

**DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED
AGENCIES APPROPRIATIONS FOR 1998**

**HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTH CONGRESS
FIRST SESSION**

**SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED AGENCIES**

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JIM KOLBE, Arizona

CHARLES H. TAYLOR, North Carolina

RALPH REGULA, Ohio

MICHAEL P. FORBES, New York

TOM LATHAM, Iowa

ALAN B. MOLLOHAN, West Virginia

DAVID E. SKAGGS, Colorado

JULIAN C. DIXON, California

NOTE: Under Committee Rules, Mr. Livingston, as Chairman of the Full Committee, and Mr. Obey, as Ranking
Minority Member of the Full Committee, are authorized to sit as Members of all Subcommittees.

JIM KULIKOWSKI, THERESE MCAULIFFE, and JENNIFER MILLER, *Subcommittee Staff*

PART 2

**Justification of the Budget Estimates
DEPARTMENT OF JUSTICE**



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DEPARTMENT OF JUSTICE
PRISON AND JAIL DETENTION AUTHORITY 1996 - 1998
SUMMARY OF PERMANENT APPROPRIATION AND DETENTION AUTHORITY 1996 - 1998
(Dollars in Thousands)

APPROPRIATION	1996 AVAILABILITY				1997 APPROPRIATION AVAILABILITY				1998 PRESIDENT'S BUDGET				CHANGE FROM 1997 TO 1998		PERCENT CHANGE		
	POS	BA	DIRECT	VCRP	TOTAL	POS	DIRECT	VCRP	TOTAL	POS	DIRECT	VCRP	TOTAL	POS	AMOUNT	POS	AMOUNT
GENERAL ADMINISTRATION	920	75,190	0	0	75,190	920	75,375	0	75,375	920	78,698	0	78,698	18	588	2.53%	0.7%
EXECUTIVE OFFICE FOR AMBASSADOR REV	918	86,081	500	514	1,014	918	81,519	48,000	129,519	500	81,722	58,251	139,973	108	16,182	10.32%	18.00%
OFFICE OF THE INSPECTOR GENERAL	14	1,481	15	0	15	14	1,481	0	1,481	15	1,557	0	1,557	0	76	0.00%	5.13%
COMMUNITY POLICING	130	31,360	378	0	378	130	31,985	0	31,985	378	33,211	0	33,211	0	1,228	0.00%	3.83%
COUNTERTERRORISM FUND	130	1,388,880	0	186	186	130	1,420,000	0	1,420,000	378	1,453,000	0	1,453,000	143	125,000	78.88%	8.86%
U.S. MARSHALS	0	18,888	0	0	0	0	28,450	0	28,450	0	28,450	0	28,450	0	0	0.00%	0.00%
U.S. ATTORNEYS	3,526	428,824	3,408	0	3,408	3,526	448,812	7,750	456,367	3,408	520,219	7,980	528,207	158	81,864	4.57%	11.98%
ARTIST DETENTION	165	17,500	158	0	158	165	17,542	0	17,542	158	17,542	0	17,542	0	0	0.00%	0.00%
FEDERAL PRISON DETENTION	8,596	808,819	8,325	327	8,652	8,596	843,514	43,876	887,390	8,325	1,018,817	50,828	1,069,645	861	82,000	7.99%	8.31%
U.S. MARSHALS	3,990	448,800	4,121	41	4,162	3,990	457,735	25,000	482,735	4,121	482,831	25,553	500,797	108	18,062	2.59%	3.14%
COMMUNITY RELATIONS SERVICE	41	8,584	41	0	41	41	8,584	0	8,584	41	8,584	0	8,584	0	0	0.00%	0.00%
ASSETS FOR FUND CURB BAD AUTH.	0	78,780	0	0	0	0	78,780	0	78,780	0	78,780	0	78,780	0	0	0.00%	0.00%
INTELLIGENCE CRIME AND DRUG ENFORCEMENT	0	28,888	0	0	0	0	28,888	0	28,888	0	28,888	0	28,888	0	0	0.00%	0.00%
U.S. MARSHALS	27,840	2,822,841	24,786	0	24,786	27,840	2,822,841	0	2,822,841	24,786	2,822,841	0	2,822,841	30	2,161	73.17%	41.00%
FAC CONSTRUCTION	0	87,371	0	0	0	0	87,371	0	87,371	0	87,371	0	87,371	0	0	0.00%	0.00%
TOTAL FEDERAL BUREAU OF INVESTIGATION	72,840	2,530,225	24,786	0	24,786	72,840	2,530,225	0	2,530,225	24,786	2,530,225	0	2,530,225	30	2,161	73.17%	41.00%
DEACONSTRUCTION	0	822,813	0	0	0	0	822,813	0	822,813	0	822,813	0	822,813	0	0	0.00%	0.00%
TOTAL DRUG ENFORCEMENT ADMINISTRATION	5,774	822,813	5,000	1,165	6,165	5,774	822,813	1,165	823,978	5,000	823,978	1,165	825,143	348	96,365	5.55%	42.15%
IMMIGRATION AND NATURALIZATION SERVICE	17,728	1,711,183	18,443	1,841	20,284	17,728	1,711,183	1,841	1,713,024	18,443	1,713,024	1,841	1,714,865	348	73,080	5.55%	7.20%
INS - CONSTRUCTION	0	24,880	0	0	0	0	24,880	0	24,880	0	24,880	0	24,880	0	0	0.00%	0.00%
TOTAL IMMIGRATION AND NATURALIZATION SVC.	17,728	1,736,063	18,443	1,841	20,284	17,728	1,736,063	1,841	1,737,904	18,443	1,737,904	1,841	1,739,745	348	73,080	5.55%	7.20%
FEDERAL PRISON DETENTION	30,471	2,548,880	32,507	282	32,789	30,471	2,548,880	282	2,551,762	32,507	2,551,762	282	2,554,544	1,052	188,237	3.20%	7.10%
SHARES AND EXPENSES	508	334,728	292	0	292	508	334,728	0	334,728	292	334,728	0	334,728	0	0	0.00%	0.00%
BUILDINGS AND FACILITIES	30,772	2,881,621	32,548	282	32,830	30,772	2,881,621	282	2,884,403	32,548	2,884,403	282	2,887,185	1,052	188,237	3.20%	7.10%
TOTAL FEDERAL PRISON SYSTEM	30,772	2,881,621	32,548	282	32,830	30,772	2,881,621	282	2,884,403	32,548	2,884,403	282	2,887,185	1,052	188,237	3.20%	7.10%

APPROPRIATION	1996 AVAILABILITY			APPROPRIATION AVAILABILITY			1997 (LIMITS IN THOUSANDS)			PRESIDENT'S BUDGET			CHANGE FROM 1997 TO 1996			PERCENT CHANGE				
	POS	BA	P03	DIRECT	YCAP	TOTAL	DIRECT	YCAP	TOTAL	POS	DIRECT	YCAP	TOTAL	POS	AMOUNT	1997 TO 1996	POS	AMOUNT		
OFFICE OF ASSISTANCE																				
ASSISTANCE PROGRAMS	654	108,807		346	296	872	173,729	800	124,176		401	348	747	171,758	800	172,868	75	48,530	11.9%	36.10%
STATE AND LOCAL LAW ENFORCEMENT		1,026,945					361,000	721,000	1,083,200					360,000		560,000	0	(500,000)	0.0%	-46.65%
JUVENILE JUSTICE PROGRAMS		0					165,200	0	165,200					165,200	0	165,200	0	0.0%	0.0%	
DELINQUENCY PREVENTION PROGRAMS		0					0	0	0		10	0	10	0	185,200	0	0	0.0%	0.0%	
ACTS OF CHILD ABUSE ACT		0					4,500	7,500	12,000					4,500	10,000	55,628	10	56,628	N/A	20.33%
CRIMINAL RECORDS UPGRADE		21,000					0	50,000	50,000					0	45,000	41,500	0	14,500	0.0%	-10.00%
STATE CORRECTIONAL GRANTS		817,500					0	810,000	810,000					0	710,500	710,500	0	45,000	0.0%	8.04%
DRUG COURT PROGRAM		15,000					0	30,000	30,000					0	75,000	75,000	0	45,000	0.0%	150.00%
VIOLENCE AGAINST WOMEN JUSTICE PROGRAM		3,700					0	168,950	168,950					0	238,750	238,750	0	48,800	0.0%	26.36%
STATE PRISON DRUG TREATMENT		300,000					0	300,000	300,000					0	350,000	350,000	0	50,000	0.0%	14.29%
ASSISTING COURTS INADVERTENT OFFENDERS		27,000					0	30,000	30,000					0	50,000	50,000	0	20,000	0.0%	110.00%
YOUTH ACADEMIES		0					0	0	0					0	0	0	0	0.0%	0.0%	
OTHER CRIME CONTROL PROGRAMS		0					0	0	0					0	8,000	8,000	0	8,000	0.0%	N/A
STATE AND LOCAL LAW ENFORCEMENT		11,200					0	4,000	4,000					0	18,205	18,205	0	14,205	0.0%	350.13%
FEDERAL (NCP)		1,500					0	2,750	2,750					0	3,500	3,500	0	750	0.0%	27.27%
TOTAL OFFICE OF JUSTICE PROGRAMS	654	2,451,134		346	296	872	653,678	2,018,150	2,880,078		411	348	737	381,087	2,152,865	2,548,942	85	(140,137)	12.65%	-5.21%
PROBATION							2,200	0	2,200					4,264	0	4,264	0	2,064	0.0%	93.62%
FOREIGN CLAIMS SETTLEMENT COMMISSION		829					0	953	953		11	0	11	1,278	0	1,278	2	273	22.2%	26.86%
NATIONAL DRUG ABUSE CENTER		2,000					0	7,000	7,000					27,000	0	27,000	0	0	0.0%	0.0%
NATIONAL DRUG ABUSE CENTER		2,800					0	2,000	2,000					2,000	0	2,000	0	0	0.0%	0.0%
RADIATION EXPOSURE COMP TRUST																				

DEPARTMENT OF JUSTICE
1996 ESTIMATE COMPARED WITH 1997 AND 1998 REQUIREMENTS
(Dollars in Thousands)

APPROPRIATION	1996 ACTUAL				1997				1998				INCREASE OR DECREASE FROM 1997 TO 1998			
	POS	WYS	OUTLAYS	WYS	POS	WYS	ENACTED	AVAILABLE	OUTLAYS	POS	WYS	AMOUNT	OUTLAYS	POS	WYS	AMOUNT
GENERAL ADMINISTRATION	600	630	64,744	67,016	633	657	79,373	79,373	75,348	649	670	78,959	82,224	16	18	566
EXECUTIVE OFFICE FOR IMMIGRATION & NATURALIZATION SERVICE	404	313	37,083	34,396	433	459	61,519	61,519	54,364	505	509	66,450	67,207	2	50	6,831
VEPP	914	948	43,048	34,000	514	527	48,000	48,000	41,000	417	518	59,251	59,000	105	81	11,251
TOTAL REQUIREMENTS FOR IMMIGRATION & NATURALIZATION SERVICE	914	948	43,048	34,000	514	527	48,000	48,000	41,000	417	518	59,251	59,000	105	81	11,251
OFFICE OF THE MARSHAL ATTORNEY GENERAL	114	114	80,117	75,398	1017	946	108,519	108,519	95,346	1122	1087	127,071	123,207	105	101	18,182
OFFICE OF THE INSPECTOR GENERAL	125	108	31,722	37,540	328	312	31,960	31,960	30,861	328	312	33,311	33,133	0	0	172
COMMUNITY POLICING	130	113	1,904,893	313,422	118	114	1,420,000	1,420,000	283,586	328	286	1,545,000	1,693,365	163	112	125,000
COUNTERTERRORISM FUND	0	0	0	0	0	0	29,450	29,450	31,000	0	0	29,450	29,450	0	0	0
WORKING CAPITAL FUND	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
U.S. PAROLE COMMISSION	347	336	422,617	398,529	3408	3478	422,512	448,612	440,313	3568	3538	500,257	490,256	159	113	51,845
GENERAL LEGAL ACTIVITIES	347	336	422,617	398,529	3408	3478	422,512	448,612	440,313	3568	3538	500,257	490,256	159	113	51,845
VEPP	347	336	422,617	398,529	3408	3478	422,512	448,612	440,313	3568	3538	500,257	490,256	159	113	51,845
TOTAL GENERAL LEGAL ACTIVITIES	347	336	422,617	398,529	3408	3478	422,512	448,612	440,313	3568	3538	500,257	490,256	159	113	51,845
U.S. ATTORNEYS	270	240	30,000	22,445	327	301	43,876	43,876	41,878	387	380	50,328	48,243	80	58	8,082
U.S. MARSHALS	3823	3868	423,248	364,131	4124	3807	457,195	457,195	413,000	4108	3816	475,244	474,000	118	126	12,756
VEPP	3823	3868	423,248	364,131	4124	3807	457,195	457,195	413,000	4108	3816	475,244	474,000	118	126	12,756
TOTAL U.S. MARSHALS	3823	3868	423,248	364,131	4124	3807	457,195	457,195	413,000	4108	3816	475,244	474,000	118	126	12,756
FEDERAL PRISONER DETENTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ALTERNATIVE DISPUTE RESOLUTION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
U.S. TRUSTEES	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LABORATORY FOR FINGERPRINTS AND DNA ANALYSIS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FEDERAL BUREAU OF INVESTIGATION	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
VEPP	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
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FEDERAL BUREAU OF INVESTIGATION	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
VEPP	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
FEDERAL BUREAU OF INVESTIGATION	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
VEPP	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
FEDERAL BUREAU OF INVESTIGATION	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
VEPP	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
FEDERAL BUREAU OF INVESTIGATION	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
VEPP	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
FEDERAL BUREAU OF INVESTIGATION	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
VEPP	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
FEDERAL BUREAU OF INVESTIGATION	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
VEPP	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
FEDERAL BUREAU OF INVESTIGATION	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
VEPP	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
FEDERAL BUREAU OF INVESTIGATION	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
VEPP	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
FEDERAL BUREAU OF INVESTIGATION	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
VEPP	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	533	1,368	143,251
FEDERAL BUREAU OF INVESTIGATION	22,803	21,272	3,308,807	2,318,861	21,298	22,387	2,948,971	2,948,971	2,138,000	24,831	25,183	2,713,748	2,464,000	5		

4

DEPARTMENT OF JUSTICE
DEPARTMENT OF THE SHERIFF AUTHORITY
(Dollars in Thousands)

APPROPRIATION DESCRIPTION	Funds in Title 34	Combus Premium	INDIA TRANS	INTRA TRANSFERS	INSTR TRANSFERS	DOJ TRANSFERS	REPS COMBING	CARRY FORWARD	OTHER FUNDING	NEW AVAILABILITY
DEPARTMENT OF JUSTICE										
DEPARTMENT OF THE SHERIFF										
DEPARTMENT OF THE SHERIFF - IN	74,292	87		1,000						75,195
DEPARTMENT OF THE SHERIFF - OUT	85,252	84					47			85,081
DEPARTMENT OF THE SHERIFF - TOTAL	159,544	171					47			159,544
DEPARTMENT OF THE SHERIFF - IN	28,880	20	23	2,400						31,383
DEPARTMENT OF THE SHERIFF - OUT	1,400,000									1,399,860
DEPARTMENT OF THE SHERIFF - TOTAL	1,428,880	20	23	2,400						1,401,243
DEPARTMENT OF THE SHERIFF - IN	408,320			14,105	12,000					434,425
DEPARTMENT OF THE SHERIFF - OUT	5,880									5,880
DEPARTMENT OF THE SHERIFF - TOTAL	414,200			14,105	12,000					440,305
DEPARTMENT OF THE SHERIFF - IN	115,804			12,105						127,909
DEPARTMENT OF THE SHERIFF - OUT	58,022									58,022
DEPARTMENT OF THE SHERIFF - TOTAL	173,826			12,105						185,931
DEPARTMENT OF THE SHERIFF - IN	92,548			2,000						94,548
DEPARTMENT OF THE SHERIFF - OUT	8,428									8,428
DEPARTMENT OF THE SHERIFF - TOTAL	100,976			2,000						102,976
DEPARTMENT OF THE SHERIFF - IN	17,321	15								17,336
DEPARTMENT OF THE SHERIFF - OUT	925,508	-1,082	1,572			5,800				929,818
DEPARTMENT OF THE SHERIFF - TOTAL	942,829	-1,067	1,587			5,800				946,154
DEPARTMENT OF THE SHERIFF - IN	292,726			4,200	8,000					304,926
DEPARTMENT OF THE SHERIFF - OUT	5,118			3,245						8,363
DEPARTMENT OF THE SHERIFF - TOTAL	297,844			7,445	8,000					313,289
DEPARTMENT OF THE SHERIFF - IN	2,407,483	2,899	4,087	2,000	22,000					2,435,569
DEPARTMENT OF THE SHERIFF - OUT	810,188	-1,084	13,539							812,643
DEPARTMENT OF THE SHERIFF - TOTAL	1,597,295	1,815	13,626	2,000	22,000					1,622,912
DEPARTMENT OF THE SHERIFF - IN	1,711,023	-1,781	1,811							1,710,053
DEPARTMENT OF THE SHERIFF - OUT	25,000	40								25,040
DEPARTMENT OF THE SHERIFF - TOTAL	1,736,023	-1,741	1,811							1,735,093
DEPARTMENT OF THE SHERIFF - IN	2,481,078	3,435		30,750						2,515,263
DEPARTMENT OF THE SHERIFF - OUT	334,728									334,728
DEPARTMENT OF THE SHERIFF - TOTAL	2,815,806	3,435		30,750						2,846,004
DEPARTMENT OF THE SHERIFF - IN	30,000									30,000
DEPARTMENT OF THE SHERIFF - OUT	21,379									21,379
DEPARTMENT OF THE SHERIFF - TOTAL	51,379									51,379
DEPARTMENT OF THE SHERIFF - IN	14,500									14,500
DEPARTMENT OF THE SHERIFF - OUT	3,850									3,850
DEPARTMENT OF THE SHERIFF - TOTAL	18,350									18,350
DEPARTMENT OF THE SHERIFF - IN	108,377	74	264							108,645
DEPARTMENT OF THE SHERIFF - OUT	475,000									475,000
DEPARTMENT OF THE SHERIFF - TOTAL	583,377	74	264							583,655
DEPARTMENT OF THE SHERIFF - IN	475,000		845	8,000						483,845
DEPARTMENT OF THE SHERIFF - OUT	503,000									503,000
DEPARTMENT OF THE SHERIFF - TOTAL	978,000		845	8,000						986,845
DEPARTMENT OF THE SHERIFF - IN	11,300									11,300
DEPARTMENT OF THE SHERIFF - OUT										
DEPARTMENT OF THE SHERIFF - TOTAL	11,300									11,300

DEPARTMENT OF JUSTICE
BUDGET AUTHORITY
(Dollars in thousands)

APPROPRIATION FUNCTIONAL CODE 100	Enacted P.L. 101-134	OMB Revisions	HIDA TRANS	INTRA DEPT TRANSFERS	WCF TRANSFERS	DOL TRANSFERS	REPRO- GRAMMING	CARRY FORWARD	OTHER ADJUST	1988 AVAILABILITY
CRIMINAL RECORDS PROGRAM FUNCTIONAL CODE 100	25,000									25,000
STATE CORRECTIONAL GRANTS FUNCTIONAL CODE 100	617,500									617,500
DRUG COURT PROGRAM FUNCTIONAL CODE 100	15,000									15,000
WOMEN'S ADVISORY PROGRAM FUNCTIONAL CODE 100	187,700									187,700
STATE CRIMINAL JUSTICE SERVICE PROGRAM FUNCTIONAL CODE 100	300,000									300,000
STATE CRIMINAL JUSTICE SERVICE PROGRAM FUNCTIONAL CODE 100	27,000									27,000
OTHER CRIME CONTROL PROGRAMS FUNCTIONAL CODE 100	11,200									11,200
STATE AND LOCAL LAW ENFORCEMENT FUNCTIONAL CODE 100	1,500									1,500
FEDERAL FUNCTIONAL CODE 100	12,700									12,700
SUBTOTAL	2,442,077	-74	1,148	8,000	43,000	3,000				2,451,152
TOTAL OFFICE OF JUSTICE PROGRAMS FUNCTIONAL CODE 100	2,134	-11,820	31,401	2,000						2,134
SUBTOTAL DISCRETIONARY FUNCTIONAL CODE 100	830	1								829
PORTFOLIO MANAGEMENT INVESTMENT COMMISSION FUNCTIONAL CODE 100	2,655									2,655
AMERICAN INDIAN COMMISSION FUNCTIONAL CODE 100										
AMERICAN INDIAN COMMISSION FUNCTIONAL CODE 100										
CIVIL LIBERTIES PUBLIC EDUCATION FUNCTIONAL CODE 100										
(TOTAL DISCRETIONARY AUTHORITY)	12,555,998	-11,821	31,401	2,000	43,000	3,000				12,555,998
FUNCTIONAL CODE 100	88,000	-110		2,000						87,890
PRELIMINARY INVESTIGATION OF WITNESSES FUNCTIONAL CODE 100	26,474									26,474
INDEPENDENT COUNSEL FUNCTIONAL CODE 100	13,500									13,500
SUBT. MANUFACTORY AUTHORITY FUNCTIONAL CODE 100	126,874	-110		2,000						126,864
PRELIMINARY INVESTIGATION OF WITNESSES FUNCTIONAL CODE 100	48,262	-54								48,208
ASSETS OF FUGITIVE PERSONS AND OTHER FUNCTIONAL CODE 100	44,181	-50								44,131
TELEPHONE CALLER COMPLIANCE FUNCTIONAL CODE 100	403,000	-478								402,522
TELEPHONE CALLER COMPLIANCE FUNCTIONAL CODE 100	47,241	-52								47,189
TELEPHONE CALLER COMPLIANCE FUNCTIONAL CODE 100	34,572	-807								33,765
TELEPHONE CALLER COMPLIANCE FUNCTIONAL CODE 100	1,300									1,300
TELEPHONE CALLER COMPLIANCE FUNCTIONAL CODE 100	1,823	-2								1,821
TELEPHONE CALLER COMPLIANCE FUNCTIONAL CODE 100	538,599	-410								538,189
TELEPHONE CALLER COMPLIANCE FUNCTIONAL CODE 100	5,963	-5								5,958
TELEPHONE CALLER COMPLIANCE FUNCTIONAL CODE 100	227,707	-17								227,690
TELEPHONE CALLER COMPLIANCE FUNCTIONAL CODE 100	1,873,018	-2,155								1,870,863
SUBT. FEE FUNDED ACCOUNTS FUNCTIONAL CODE 100										
(TOTAL DEPARTMENT OF JUSTICE)	18,335,998	-13,846	31,401	2,000	43,000	3,000				18,335,998

DEPARTMENT OF JUSTICE
DERIVATION OF BUDGET AUTHORITY - 1997

12 Feb 97 08:30:50 AM
FILE 97MONSTER.WK4

APPROPRIATION
DISCRETIONARY
FUNCTIONAL CODE 750
DISCRETIONARY
FUNCTIONAL CODE 750

GENERAL ADMINISTRATION
EXECUTIVE OFFICE FOR IMMIGRATION REV
OFFICE OF THE PARDON ATTORNEY
TOTAL ADMIN REVIEW & APPEALS
OFFICE OF THE INSPECTOR GENERAL
COMMUNITY POLICING
HEALTH CARE FRAUD
WEED & SEED FUND
COUNTERTERRORISM FUND
NATIONAL DRUG INTELLIGENCE CENTER

WORKING CAPITAL FUND
U.S. PAROLE COMMISSION

GENERAL LEGAL ACTIVITIES
SOLICITOR GENERAL
TAX DIVISION
CRIMINAL DIVISION
CIVIL DIVISION
ENVR & NATL RESOURCES
LEGAL COUNSEL
CIVIL RIGHTS
INTERPOL
LACA
ANTITRUST DIVISION
U.S. ATTORNEYS
U.S. MARSHALS
FEDERAL PRISONER DETENTION
FEW/ALTERNATIVE DISP RESOLUTION
COMMUNITY RELATIONS SERVICE
U.S. TRUSTEES
ASSETS FOR FUND CURR BUD AUTH
INTERAGENCY CRIME & DRUG ENFORCEM
FEDERAL BUREAU OF INVESTIGATION
FBI TELEPHONE CARRIER COMPLIANCE
FBI HEALTH CARE FRAUD ENFORCEMENT
FBI CONSTRUCTION
DRUG ENFORCEMENT ADMINISTRATION
DEA CONSTRUCTION
IMMIGRATION AND NATURALIZATION SERV
INS/ CONSTRUCTION
INS/ BORDER CONTROL
INS/ IMMIGRATION EMERGENCY FUND

FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES
NATL INSTITUTE OF CORRECTIONS
BUILDINGS AND FACILITIES
FEDERAL PRISON INDUSTRIES
COMMISSARY FUND
TOTAL FEDERAL PRISON SYSTEM
OFFICE OF JUSTICE PROGRAMS
JUSTICE ASSISTANCE
NATIONAL INSTITUTE OF JUSTICE
BUREAU OF JUSTICE STATISTICS
MISSING CHILDREN/ALZHEIMERS
REGIONAL INFORMATION SHARING SYS
WHITE COLLAR CRIME INFO CENTER
COUNTERTERRORISM
MANAGEMENT AND ADMINISTRATION
SUBTOTAL
STATE AND LOCAL LAW ENFORCEMENT
FORMULA GRANTS
DISCRETIONARY GRANTS
LOCAL LAW ENFORCEMENT BLOCK GRA
CORRECTIONAL OPTIONS
SUBTOTAL

	1997 ENACTED			NITA & OTHER TRANSFERS	OTHER ADJUSTMENTS	1997 APPROPRIATION ANTICIPATED		
	DIRECT	VCRRP	TOTAL			DIRECT	VCRRP	TOTAL
	79 373		79 373			79 373		79 373
	61 519	48 000	109 519			61 519	48 000	109 519
	1 481		1 481			1 481		1 481
	83 000	48 000	111 000			83 000	48 000	111 000
	31 985		31 985	25		31 985		31 985
		1 420 000	1 420 000				1 420 000	1 420 000
	29 450		29 450			29 450		29 450
	4 845		4 845			4 845		4 845
	422 512	7 750	430 262	26 100		448 512	7 750	456 262
	6 122		6 122			6 122		6 122
	59 343		59 343			59 343		59 343
	88 180		88 180			88 180		88 180
	120 517	7 750	128 267	26 100		146 517	7 750	154 267
	58 049		58 049			58 049		58 049
	4 255		4 255			4 255		4 255
	62 419		62 419			62 419		62 419
	6 429		6 429			6 429		6 429
	17 198		17 198			17 198		17 198
	17 542		17 542			17 542		17 542
	934 240	43 878	978 118	9 274		943 514	43 878	987 392
	457 425	25 000	482 425	240		457 735	25 000	482 735
	405 262		405 262			405 262		405 262
	5 319		5 319			5 319		5 319
	23 000		23 000			23 000		23 000
	359 430		359 430			359 430		359 430
	2 566 971	169 000	2 735 971	3 526		2 570 497	169 000	2 739 497
	60 000		60 000			60 000		60 000
	41 639		41 639			41 639		41 639
	750 368	220 000	970 368	13 278		763 666	220 000	983 666
	30 806		30 806			30 806		30 806
	1 806 156	500 000	2 106 156	1 631		1 806 790	500 000	2 106 790
	9 841		9 841			9 841		9 841
	2 788 316	25 224	2 793 540			2 788 316	25 224	2 793 540
	395 700		395 700			395 700		395 700
	3 164 016	25 224	3 189 240			3 164 016	25 224	3 189 240
	30 000		30 000			30 000		30 000
	21 379		21 379			21 379		21 379
	5 971	900	6 871			5 971	900	6 871
	14 500		14 500			14 500		14 500
	3 850		3 850			3 850		3 850
	17 000		17 000			17 000		17 000
	30 529		30 529			30 529		30 529
	123 229	900	124 129			123 229	900	124 129
	301 000	199 000	500 000			301 000	199 000	500 000
	60 000		60 000			60 000		60 000
		523 000	523 000				523 000	523 000
	361 000	722 000	1 083 000			361 000	722 000	1 083 000

DEPARTMENT OF JUSTICE
DERIVATION OF BUDGET AUTHORITY - 1987

12-Feb-87 08:30:50 AM FILE 87MONSTER.WK4		1987 ENACTED		& OTHER TRANSFERS		ADJUSTMENTS		1987 APPROPRIATION ANTICIPATED	
APPROPRIATION FUNCTIONAL CODE 730 WEED AND REED PROGRAM FUND COMMUNITY POLICING JUVENILE JUSTICE PROGRAMS VICTIMS OF CHILD ABUSE ACT CRIMINAL RECORDS UPGRADE STATE CORRECTIONAL GRANTS DRUG COURT PROGRAM VIOLENCE AGAINST WOMEN ACT STATE CRIMINAL ALIEN ASSISTANCE PRO COUNTERTERRORISM TECH GRANTS FIREIGHTER/REEM SVCT TWO STATE PRISON DRUG TREATMENT ASSIST COURT'S WAIVER OFFENDER YOUTH ACADEMIES OTHER CRIME CONTROL PROGRAMS STATE AND LOCAL LAW ENFORCEMENT FEDERAL SUBTOTAL TOTAL OFFICE OF JUSTICE PROGRAMS PSOB SUBTOTAL DOMESTIC DISCRETIONARY FUNCTIONAL CODE 130 FOREIGN CLAIMS SETTLEMENT COMMISSIO FUNCTIONAL CODE 090 RADIATION EXPOSURE COMP ADMIN EXP RADIATION EXPOSURE COMP TRUST FUND GA/NATL DRUG INTEL CENTER FBI/DOJ DEFENSE FBI/DOJ DEFENSE FUNCTIONAL CODE 800 CIVIL LIBERTIES PUBLIC EDUCATION SUBT DISCRETIONARY AUTH OTHER AGENCIES VOC TOTAL DISCRETIONARY AUTH MANDATORY FUNCTIONAL CODE 730 FEES AND EXPENSES OF WITNESSES PSOB INDEPENDENT COUNSEL FUNCTIONAL CODE 800 CIVIL LIB. PUB. EDUCATION FUND SUBT MANDATORY AUTHORITY GA-HEALTH CARE FRAUD PRE-MERGED FUND FEES U.S. TRUSTEES ABRETS FOR FUND PERM BUD AUTH FBI-HEALTH CARE FRAUD OVERSICION CONTROL FEE IMMIGRATION USER FEE ENFORCEMENT FINES IMMIGRATION LEGALIZATION IMMIGRATION EXAMINATIONS FEE LAND BORDER INSPECTION FEE DETENTION FUND BREACHED BOND/DETENTION FUND CRIME VICTIMS FUND SUBT FEE FUNDED ACCOUNTS TOTAL DEPARTMENT OF JUSTICE		DIRECT	VCORP	TOTAL	DIRECT	DIRECT	DIRECT	VCORP	TOTAL
186,200				186,200				186,200	
4,500		7,500	12,000				7,500	12,000	
		50,000	50,000				50,000	50,000	
		870,000	870,000				870,000	870,000	
		30,000	30,000				30,000	30,000	
		188,950	188,950				188,950	188,950	
		330,000	330,000				330,000	330,000	
		30,000	30,000				30,000	30,000	
		4,000	4,000				4,000	4,000	
		2,750	2,750				2,750	2,750	
		8,750	8,750				8,750	8,750	
853,929		2,038,150	2,892,079				853,929	2,038,150	
2,200			2,200				2,200	2,200	
11,718,377		4,489,000	16,213,377	54,074			11,772,451	4,489,000	
								16,261,451	
953			953				953	953	
2,000			2,000				2,000	2,000	
30,000			30,000				30,000	30,000	
27,000			27,000				27,000	27,000	
(30,000)			(30,000)				(30,000)	(30,000)	
(147,081)			(147,081)				(147,081)	(147,081)	
11,778,330		4,489,000	16,273,330	54,074			11,832,404	4,489,000	
								16,327,404	
(147,000)			(812,729)				(147,000)	(812,729)	
11,778,330		4,489,000	16,273,330	54,074			11,832,404	4,489,000	
								16,327,404	
100,702			100,702				100,702	100,702	
30,126			30,126				30,126	30,126	
9,500			9,500				9,500	9,500	
140,328			140,328				140,328	140,328	
24,000			24,000				24,000	24,000	
74,908			74,908				74,908	74,908	
107,800			107,800				107,800	107,800	
361,008			361,008		(7,108) 3		343,970	343,800	
47,000			47,000				47,000	47,000	
52,824			52,824				52,824	52,824	
377,399			377,399				377,399	377,399	
11,700			11,700				11,700	11,700	
1,893			1,893				1,893	1,893	
567,550			567,550		57,235 4		624,785	624,785	
11,054			11,054				11,054	11,054	
74,300			74,300				74,300	74,300	
6,813			6,813				6,813	6,813	
508,540			508,540		20,402 3		528,942	528,942	
2,216,736			2,216,736		70,526		2,287,261	2,287,261	
14,170,264		4,489,000	18,659,264	54,074	10,529		14,278,997	4,489,000	
								18,754,997	

- 1 FIRST TRANSFER
- 2 TRANSFER FROM DEPARTMENT OF LABOR \$3,821,000 & HDTA \$5,453,000
- 3 ADJUSTMENTS WERE MADE DUE TO A RE-ESTIMATE OF FEE ACCOUNTS
- 4 REPROGRAMMING ADJUSTMENT

[illegible]

DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
Summary of Requirements
Analysis of Overall 1998 Increase
(Dollars in thousands)

	GENERAL LEGAL ACTIVITIES		ANTITRUST DIVISION		U.S. ATTORNEYS		FOREIGN CLAIMS SETTLEMENT COMMISSION		U.S. MARSHALS SERVICE		FEDERAL PRISONER DETENTION	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
1996 obligations	3,447	\$422,617	165	\$18,473	8,325	\$812,087	9	\$770	3,823	\$423,248		\$326,265
1997 Enacted	3,469	422,512	158	17,542	8,325	934,240	9	953	4,124	457,495		405,262
HDTA Transfer						5,453				240		
DOL Transfer						3,821						
FSUIC Resolution Fund												
Other adjustments		26,100										
(50)												
1997 Total Availability	3,409	448,612	158	17,542	8,325	943,514	9	953	4,124	457,735		405,262
1998 estimate	3,568	500,257	158	17,542	8,956	1,018,617	11	1,226	4,106	475,244		462,831
Change 1998 from 1997	159	51,645			631	75,103	2	273	(18)	17,509		57,569
Adjustments to base												
Transfers to and from other accounts		33,700								2,300		
Other												
Adjustment in Positions		(11)										
Increases												
1998 Pay Raise		6,276				13,948		18		5,969		
Annualization of 1997 Pay Raise		2,142				5,037		4		1,949		
Annualization of 1997 Positions		1,064								783		
Annualization of 1997 Counterterrorism Amen												
Annualization of 1997 Enhancements												
Annualization of 1996 Enhancements												
Within-Grade Increases (WIG)		2,824				1,681		5				
Foreign Allowance		1								1		
Accident Compensation		140				135				215		
Medical Hospital Service Costs											1,518	
Travel Message Allowance Rate		5				40				6		
General Services Admin (GSA) Rent												
Correspondence Management System		156				33				16		
Investigation/Research		21				28				14		
ICASS Conversion Costs		1										
ICASS increase for Staffing		12										
General Pricing Level Adjustments		1,460				3,091				828		
Administrative Salary Increases						4,056				107		
Spectrum Frequency Management										155		
Northern Mariana Islands		237				3	375					
Jail Day Rate Increase											18,565	
INTERPOL Dues		326										
Security Guard Services											206	
Funding transfer from Direct												
Other												
Total increases		14,666				3	28,424		27	10,043		20,289
Decreases												
Nonrecurring Costs						(1,900)			(126)	(14,203)		
Nonrecurring Decrease HDTA / FIRF / DOL		(26,100)				(9,274)				(240)		
Other												
Total Decreases		(26,100)				(11,174)			(126)	(14,443)		
Total adjustments to base		(11)				3	17,250		27	(126)		(2,100)
1998 base	3,398	470,878	158	17,542	8,328	960,764	9	980	3,996	455,635		425,551
Executive Offices												
Southwest Border & Immigration		3										
D.C. Superior Court		281				185	11,900					
EFOA						8	337			4	413	
Other Staffing & Related Costs		45	4,493			395	40,634			102	16,562	
Prison Activities												
State & Local Grants												
Other Changes		177	24,605			60	4,982	2	246	2	2,834	37,280
Total program changes		170	29,379			628	57,853	2	246	106	19,609	37,280
1998 estimate	3,568	500,257	158	17,542	8,956	1,018,617	11	1,226	4,106	475,244		462,831
Change 1998 from 1997	159	51,645			631	75,103	2	273	(18)	17,509		57,569
Discretionary/Mandatory Split												
Discretionary	3,568	500,257	158	17,542	8,956	1,018,617	11	1,226	4,106	475,244		462,831
Mandatory												

**DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
Summary of Requirements
Analysis of Overall 1998 Increase
(Dollars in thousands)**

	FEES AND EXPENSES OF WITNESSES		COMMUNITY RELATIONS SERVICE		U.S. TRUSTEE SYSTEM FUND		ASSETS FORFEITURE FUND		INDEPENDENT COUNSEL		CIVIL LIBERTY PUB ED FUND		TOTAL LEGAL ACTIVITIES	
	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos
1998 obligations	\$80,959	41	\$8,481		\$76,760		\$31,476		\$12,224		\$5,748		15,810	\$2,319,118
1997 Enacted	100,702	41	5,319				23,000		9,500				16,126	2,376,525
HIDA Transfer														5,893
DOL Transfer														3,821
FSLIC Resolution Fund														25,100
Other adjustments													(80)	
1997 Total Availability	100,702	41	5,319				23,000		9,500				16,066	2,412,139
1998 estimate	75,000	71	7,500				23,000		9,500				16,870	2,560,717
Change 1998 from 1997	(25,702)	30	2,181										804	178,578
Adjustments to base														
Transfers to and from other accounts														36,000
Other													(11)	
Adjustment in Positions														
Increases														
1998 Pay Raise			84											26,295
Annualization of 1997 Pay Raise			30											9,162
Annualization of 1997 Positions														1,847
Annualization of 1997 Counterterrorism Amen														
Annualization of 1997 Enhancements														
Annualization of 1995 Enhancements														
Within-Grade Increases (WIG)			43											4,553
Foreign Allowances														2
Accident Compensation														490
Medical Hospital Service Costs														1,518
Travel Message Allowance Rate														51
General Services Admin (GSA) Rent														
Correspondence Management System			4											211
Investigation/Reinvestigation			1											50
ICASS Conversion Costs														14
ICASS increase for Staffing														12
General Pricing Level Adjustments			11											5,360
Administrative Salary Increases														4,056
Spectrum Frequency Management														107
Northern Mariana Islands													3	767
Jail Day Rate Increase														18,565
INTERPOL Dues														326
Security Guard Services														206
Funding transfer from Direct														
Other														
Total increases			173										3	73,622
Decreases														
Nonrecurring Costs													(126)	(18,103)
Nonrecurring Decrease - HIDA / FIRF / DOL														(35,614)
Other														
Total Decreases													(126)	(51,717)
Total adjustments to base			173										(134)	57,805
1998 base	100,702	41	5,482				23,000		9,500				15,932	2,470,044
Program changes														
Southwest Border & Immigration													3	281
D.C. Superior Court													185	11,800
EO/EA													57	5,243
Other Staffing & Related Costs													497	57,196
Prison Activations														
State & Local Grants														
Other Changes	(25,702)	30	2,008										216	46,053
Total program changes	(25,702)	30	2,008										936	120,673
1998 estimate	75,000	71	7,500				23,000		9,500				16,870	2,560,717
Change 1998 from 1997	(25,702)	30	2,181										804	178,578
Discretionary/Mandatory Split														
Discretionary	75,000	71	7,500				23,000		9,500				16,870	2,506,217
Mandatory														84,500

DEPARTMENT OF JUSTICE
BUREAUS
Summary of Requirements
Analysis of Overall 1998 Increase
(Dollars in thousands)

	INTERAGENCY CRIME DRUG ENFORCEMENT TASK FORCES	FEDERAL BUREAU OF INVESTIGATION		DRUG ENFORCEMENT ADMINISTRATION		IMMIGRATION & NATURALIZATION SERVICE	
		Amount	Pos.	Amount	Pos.	Amount	Pos.
1996 obligations	\$358,843	22,563	\$2,314,194	5,571	\$781,310	15,424	\$1,412,283
1997 Enacted	358,430	24,298	2,668,610	5,050	781,194	16,447	1,615,000
HIDTA Transfer			3,526		13,278		1,631
DOL Transfer							
FSUIC Resolution Fund							
Other adjustments							
1997 Total Availability	356,430	24,298	2,672,136	5,050	784,472	16,447	1,616,631
1998 estimate	294,967	24,831	2,862,754	4,494	687,525	16,486	1,725,294
Change 1998 from 1997	(64,463)	533	190,618	(556)	(106,947)	39	108,663
Adjustments to base							
Transfers to and from other accounts	(74,422)		(6,715)	(888)	(139,297)		(40,138)
Other					(29,306)		
Adjustment in Positions							
Increases							
1998 Pay Raise	5,963		33,017	7,490		19,786	
Annualization of 1997 Pay Raise	2,113		10,654	2,737		6,224	
Annualization of 1997 Positions			9,636	2,854			
Annualization of 1997 Counterterrorism Amen			83,338				
Annualization of 1997 Enhancements						14,234	
Annualization of 1998 Enhancements						42,975	
Within-Grade Increases (WIG)	1,487						
Foreign Allowance			99	140		1	
Accident Compensation						403	
Medical Hospital Service Costs						143	
Travel Message Allowance Rate			160	134		52	
General Services Admin (GSA) Rent			422				
Investigation/Reinvestigation System			27	18		25	
ICASS Conversion Costs						71	
ICASS Increase for Staffing			487	502		220	
General Pricing Level Adjustments	396		8,018	3,609		8,876	
Administrative Salary Increases							
Spectrum Frequency Management			370	95		132	
Northern Mariana Islands		3	510	190	1	385	
Jail Day Rate Increase							
INTERPOL Dues							
Security Guard Services							
Funding transfer from Direct							
Other		10		1			
Total increases	9,959	13	146,738	1	17,767	1	93,627
Decreases							
Nonrecurring Costs			(49,178)	(3,360)			
Nonrecurring Decrease - HIDTA / FIRF / DOL			(3,526)	(13,278)		(1,631)	
Other			(7,793)				
Total Decreases			(60,497)	(16,638)		(1,631)	
Total, adjustments to base	(64,463)	13	79,526	(887)	(187,474)	1	51,858
1998 base	294,967	24,311	2,751,662	4,163	626,998	16,446	1,668,489
Program changes							
Southwest Border & Immigration				192	29,741		48,447
D.C. Superior Court							
EO/IA		239	11,394	19	539	37	3,086
Other Staffing & Related Costs		281	44,538	120	13,776	1	5,272
Prison Activities							
State & Local Grants							
Other Changes			55,160		16,471		
Total program changes		520	111,092	331	60,527	38	56,805
1998 estimate	294,967	24,831	2,862,754	4,494	687,525	16,486	1,725,294
Change 1998 from 1997	(64,463)	533	190,618	(556)	(106,947)	39	108,663
Discretionary/Mandatory Split							
Discretionary	294,967	24,831	2,862,754	4,494	687,525	16,486	1,725,294
Mandatory							

**DEPARTMENT OF JUSTICE
BUREAUS
Summary of Requirements
Analysis of Overall 1998 Increase
(Dollars in thousands)**

	FEDERAL PRISON SYSTEM		OFFICE OF JUSTICE PROGRAMS			TOTAL BUREAUS	
	Pos	Amount	Pos	Amount	Amount	Pos	Amount
1998 obligations	30,517	\$2,849,836	656	\$640,195	\$22,561	74,731	\$,360,042
1997 Enacted	32,848	3,164,016	386	653,929	32,326	79,030	9,274,505
MDTA Transfer							18,435
DOL Transfer							
FSUIC Resolution Fund							
Other adjustments							
1997 Total Availability	32,848	3,164,016	386	653,929	32,326	79,030	9,292,940
1998 estimate	33,903	3,218,475	411	397,087	35,267	80,125	9,221,369
Change 1998 from 1997	1,054	54,459	25	(256,842)	2,941	1,095	(71,571)
Adjustments to base							
Transfers to and from other accounts		(2,300)		4,700		(868)	(258,172)
Other							(29,306)
Adjustment in Positions	386					386	
Increases							
1998 Pay Raise		35,309					101,565
Annualization of 1997 Pay Raise		11,131					32,859
Annualization of 1997 Positions				922			13,412
Annualization of 1997 Counterterrorism Amen							83,338
Annualization of 1997 Enhancements	207	123,964				207	138,198
Annualization of 1998 Enhancements							42,975
Within-Grade Increases (WIG)		117					1,604
Foreign Allowance							240
Accident Compensation		1,924					2,327
Medical Hospital Service Costs		4,211					4,354
Travel Mileage Allowance Rate		57					403
General Services Admin (GSA) Rent							422
Correspondence Management System		23					91
Investigation/Reinvestigation		42					113
ICASS Conversion Costs							1,209
ICASS Increase for Staffing							38,088
General Pricing Level Adjustments		17,089					
Administrative Salary Increases							614
Spectrum Frequency Management		17					
Northern Mariana Islands		100				4	1,185
Jail Day Rate Increase							
INTERPOL Dues							
Security Guard Services							
Funding transfer from Direct							
Other		418		2,921	941	11	4,280
Total increases	207	194,402		3,843	941	222	467,277
Decreases							
Nonrecurring Costs	(6)	(281,417)				(6)	(333,955)
Nonrecurring Decrease - MDTA / FIRF / DOL							(18,435)
Other							(7,793)
Total Decreases	(6)	(281,417)				(6)	(360,183)
Total adjustments to base	587	(89,315)		8,543	841	(286)	(180,364)
1998 base	33,436	3,074,701	386	662,472	33,267	78,744	9,112,556
Program changes							
Southwest Border & Immigration						192	78,188
D C Superior Court							
EFOIA	37	1,452				332	16,471
Other Staffing & Related Costs						402	63,586
Prison Activations	398	3,553				398	3,553
State & Local Grants			25	(265,385)	2,000	25	(263,385)
Other Changes	32	138,769				32	210,400
Total program changes	467	143,774	25	(265,385)	2,000	1,381	108,813
1998 estimate	33,903	3,218,475	411	397,087	35,267	80,125	9,221,369
Change 1998 from 1997	1,054	54,459	25	(256,842)	2,941	1,095	(71,571)
Discretionary/Mandatory Split							
Discretionary	33,903	3,218,475	411	397,087	4,264	80,125	9,190,366
Mandatory					31,003		31,003

DEPARTMENT OF JUSTICE
VIOLENT CRIME REDUCTION PROGRAMS
Summary of Requirements
Analysis of Overall 1996 Increase
(Dollars in thousands)

	COMMUNITY POLICING		ADMIN REVIEW & APPEALS		GENERAL LEGAL ACTIVITIES		U S ATTORNEYS		U S MARSHALS SERVICE	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
1996 obligations	130	\$1,304,883	514	\$43,036	58	\$8,464	270	\$30,000	167	\$24,978
1997 Enacted:	186	1,420,000	514	48,000	71	7,750	327	43,876	41	25,000
HOTA Transfer										
DOL Transfer										
FSLIC Resolution Fund										
Other adjustments										
1997 Total Availability	186	1,420,000	514	48,000	71	7,750	327	43,876	41	25,000
1996 estimate	329	1,545,000	617	58,251	71	7,969	387	50,828	167	25,553
Change 1996 from 1997	143	125,000	103	11,251		219	60	6,952	126	553
Adjustments to base										
Transfers to and from other accounts										
Other										
Adjustment in Positions										
Increases										
1996 Pay Rates			615		111		365			
Annualization of 1997 Pay Rate			237		31		151		55	
Annualization of 1997 Positions							2,565		76	
Annualization of 1997 Counterterrorism Amen										
Annualization of 1997 Enhancements										
Annualization of 1996 Enhancements										
Within-Grade Increases (WGI)										
Foreign Allowance										
Accident Compensation										
Medical Hospital Service Costs										
Travel Mileage Allowance Rate										
General Services Admin (GSA) Rent										
Correspondence Management System										
Investigation/Reinvestigation										
ICASS Conversion Costs										
ICASS Increase for Staffing										
General Pricing Level Adjustments			399		77				422	
Administrative Salary Increases										
Spectrum Frequency Management										
Northern Mariana Islands										
Jail Day Rate Increase										
INTERPOL Dues										
Security Guard Services										
Funding transfer from Direct									126	14,203
Other										
Total increases			1,251		219		3,081		126	14,756
Decreases										
Nonrecurring Costs								(829)		(14,203)
Nonrecurring Decrease - HOTA / FRS / DOL										
Other										
Total Decreases								(829)		(14,203)
Total adjustments to base			1,251		219		2,252		126	553
1996 base	186	1,420,000	514	48,251	71	7,969	327	46,128	167	25,553
Program changes										
Southwest Border & Immigration			103	10,000			60	4,700		
D.C. Superior Court										
EFOIA										
Other Staffing & Related Costs										
Prison Activations										
State & Local Grants										
Other Changes	143	125,000								
Total program changes	143	125,000	103	10,000			60	4,700		
1996 estimate	329	1,545,000	617	58,251	71	7,969	387	50,828	167	25,553
Change 1996 from 1997	143	125,000	103	11,251		219	60	6,952	126	553
Discretionary/Mandatory Split										
Discretionary	329	1,545,000	617	58,251	71	7,969	387	50,828	167	25,553
Mandatory										

DEPARTMENT OF JUSTICE
VIOLENT CRIME REDUCTION PROGRAMS
Summary of Requirements
Analysis of Overall 1998 Increase
(Dollars in thousands)

	FEDERAL BUREAU OF INVESTIGATION		DRUG ENFORCEMENT ADMINISTRATION		IMMIGRATION & NATURALIZATION SERVICE		FEDERAL PRISON SYSTEM		OFFICE OF JUSTICE PROGRAMS		VCRP TOTAL	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
1996 obligations	377	\$182,948	203	\$52,608	1,814	\$320,626	262	\$5,715	1,013	\$1,715	3,795	\$2,986,962
1997 Enacted	6	188,000	1185	220,000	1,841	500,000	292	25,224	286	2,036,150	4,549	4,495,000
HIDTA Transfer												
DOL Transfer												
FSLIC Resolution Fund												
Other adjustments												
1997 Total Availability	6	188,000	1,185	220,000	1,841	500,000	292	25,224	286	2,036,150	4,549	4,495,000
1998 estimate	8	179,121	2,087	400,037	2,804	732,251	292	26,135	346	2,152,855	7,108	5,179,000
Change 1998 from 1997	2	10,121	902	180,037	1,163	232,251		911	60	116,705	2,559	684,000
Adjustments to base												
Transfers to and from other accounts			6,715	888	136,297	40,136					888	186,150
Other												
Adjustment in Positions												
Increases												
1998 Pay Raise	10		1,869		1,946		301					5,247
Annualization of 1997 Pay Raise	208		131		645		45					1,504
Annualization of 1997 Positions	(18)		15,069									17,692
Annualization of 1997 Counterterrorism Amen												
Annualization of 1997 Enhancements					(37,054)		445					(36,609)
Annualization of 1996 Enhancements												
Within-Grade Increases (WIG)							106					108
Foreign Allowances												
Accident Compensation												
Medical Hospital Service Costs												
Travel Mileage Allowance Rate												
General Services Admin (GSA) Rent												
Correspondence Management System												
Investigation/Reinvestigation												
ICASS Conversion Costs												
ICASS Increase for Staffing												
General Pricing Level Adjustments		5,546		946	4,931		12					12,333
Administrative Salary Increases												
Spectrum Frequency Management												
Northern Mariana Islands												
Jail Day Rate Increase												
INTERPOL Dues												
Security Guard Services												
Funding transfer from Direct											126	14,203
Other												
Total increases		5,747		18,045	(29,532)		911				126	14,478
Decreases												
Nonrecurring Costs		(33,300)										(48,332)
Nonrecurring Decrease - HIDTA / FIRF / DOL												
Other												
Total Decreases		(33,300)										(48,332)
Total adjustments to base		(20,838)	888	157,342	10,608		911				1,014	152,298
1998 base	8	148,182	2,073	377,342	1,841	510,608	292	26,135	286	2,036,150	5,563	4,647,298
Program changes												
Southwest Border & Immigration					1,129	208,200					1,232	216,200
D.C. Superior Court											80	4,700
EPOM		4,058										4,058
Other Staffing & Related Costs		2,000	14	22,695	30	7,645		60	36,366	104		68,706
Prison Activations												
State & Local Grants									80,339	143		205,339
Other Changes	2	24,900			4	7,800					6	32,700
Total program changes	2	30,958	14	22,695	1,163	221,645		60	116,705	1,545		531,704
1998 estimate	8	179,121	2,087	400,037	2,804	732,251	292	26,135	346	2,152,855	7,108	5,179,000
Change 1998 from 1997	2	10,121	902	180,037	1,163	232,251		911	60	116,705	2,559	684,000
Discretionary/Mandatory Split												
Discretionary	8	176,121	2,087	400,037	2,804	732,251	292	26,135	346	2,152,855	7,108	5,179,000
Mandatory												

DEPARTMENT OF JUSTICE
FEE-FUNDED ACTIVITIES
Summary of Requirements
Analysis of Overall 1998 Increase
(Dollars in thousands)

	PRE-MERGER FUND FEES	U.S. TRUSTEE SYSTEM FUND	ASSETS FORFEITURE FUND	DIVERSION CONTROL FEE	IMMIGRATION FEE ACCTS	GA HEALTH CARE FRAUD	FSI HEALTH CARE FRAUD	CRIME VICTIMS FUND	TOTAL OTHER AUTHORITY
	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount
1996 obligations	\$71,522	\$26,421	\$327,711	\$47,053	853,838			\$227,314	\$1,553,856
1997 Enacted	24,905	107,950	351,008	52,824	1,050,508	24,000	47,000	508,540	2,216,736
HIDTA Transfer									
DOL Transfer									
FSLIC Resolution Fund			(7,108)		57,235			20,402	70,529
Other adjustments									
1997 Total Availability	74,905	107,950	343,900	52,824	1,107,744	24,000	47,000	528,942	2,287,265
1998 estimate	80,000	116,721	353,000	56,288	1,184,830	28,000	56,000	178,553	2,053,172
Change 1998 from 1997	5,095	8,771	9,100	5,464	76,886	4,000	9,000	(352,389)	(234,093)
Adjustments to base									
Transfers to and from other accounts					15,500			(352,389)	(336,889)
Other									
Adjustment in Positions									
Increases									
1998 Pay Raise	313	1,581		716	8,980				11,500
Annualization of 1997 Pay Raise	101	565		234	3,239				4,130
Annualization of 1997 Positions				336					336
Annualization of 1997 Counterterrorism Amen									
Annualization of 1997 Enhancements					(7,169)				(7,169)
Annualization of 1998 Enhancements									
Within-Grade Increases (WYG)	389				3,954				4,343
Foreign Allowance					22				22
Accident Compensation		31			141				172
Medical Hospital Service Costs					91				91
Travel Message Allowance Rate		7							7
General Services Admin (GSA) Rent									
Correspondence Management System	22	11							33
Investigation/Reinvestigation	3	1							4
ICASS Conversion Costs									
ICASS Increase for Staffing					434				434
General Pricing Level Adjustments	420	230		337	7,576				8,563
Administrative Salary Increases		108							108
Spectrum Frequency Management									
Northern Mariana Islands									
Jail Day Rate Increase									
INTERPOL Dues									
Security Guard Services									
Funding transfer from Direct			9,100				1,101		10,201
Other							1,101		2,202
Total increases	1,248	2,534	9,100	1,823	17,268		1,101		32,874
Decreases									
Nonrecurring Costs					(36,792)				(36,792)
Nonrecurring Decreases - HIDTA / FIRF / DOL									
Other		(1,357)							(1,357)
Total Decreases		(1,357)			(36,792)				(38,149)
Total adjustments to base	1,248	1,177	9,100	1,823	(19,524)		1,101	(352,389)	(342,164)
1998 base	76,153	108,127	353,000	54,447	1,103,720	24,000	48,101	178,553	1,945,101
Program changes									
Southwest Border & Immigration					28,145				28,145
D.C. Superior Court									
EFOIA		257							257
Other Staffing & Related Costs					7,008		7,899		14,907
Prison Activities									
State & Local Grants									
Other Changes	3,847	7,337		3,821	45,757	4,000			64,762
Total program changes	3,847	7,594		3,821	80,910	4,000	7,899		108,071
1998 estimate	80,000	116,721	353,000	58,268	1,184,630	28,000	56,000	178,553	2,053,172
Change 1998 from 1997	5,095	8,771	9,100	5,444	76,886	4,000	9,000	(352,389)	(234,093)
Discretionary/Mandatory Split									
Discretionary	80,000	116,721	353,000	58,268	1,184,630	24,000	56,000	178,553	2,053,172
Mandatory									

Office of Justice Programs
(Dollars in Thousands)

	JUSTICE ASSISTANCE						STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE						DIRECT APPROPRIATIONS						TOTAL DIRECT FUNDING						VIOLENT CRIME REDUCTION PROGRAMS						GRAND TOTAL						PUBLIC SAFETY OFFICERS' BENEFITS PROG						CRIME VICTIMS FUND						GRAND TOTAL ALL FUNDS					
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount														
1996 Obligations	656	95,996	0	411,313	0	132,986	656	840,195	0	1,013,715	656	1,653,910	0	22,581	0	22,581	0	227,314	0	227,314	0	227,314	0	227,314	656	1,903,806	656	1,903,806	656	1,903,806	656	1,903,806	656	1,903,806	656	1,903,806	656	1,903,806	656	1,903,806														
1997 Enacted	396	118,429	0	361,000	0	174,500	396	633,929	266	2,036,150	672	2,690,079	0	32,326	0	32,326	0	506,540	0	506,540	0	506,540	0	506,540	672	3,230,846	672	3,230,846	672	3,230,846	672	3,230,846	672	3,230,846	672	3,230,846	672	3,230,846	672	3,230,846														
Transfers between accounts	296	4,800	0	0	0	-4,800	296	0	0	-286	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0														
Fee residuals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0															
1997 Total Available	672	123,229	0	361,000	0	169,700	672	633,929	0	2,036,150	672	2,690,079	0	32,326	0	32,326	0	526,342	0	526,342	0	526,342	0	526,342	672	3,251,347	672	3,251,347	672	3,251,347	672	3,251,347	672	3,251,347	672	3,251,347	672	3,251,347	672	3,251,347														
1998 estimate	757	172,387	0	0	0	224,700	757	397,087	0	2,152,855	757	2,549,842	0	35,267	0	35,267	0	176,553	0	176,553	0	176,553	0	176,553	757	2,761,762	757	2,761,762	757	2,761,762	757	2,761,762	757	2,761,762	757	2,761,762	757	2,761,762	757	2,761,762														
Change 1998 from 1997	85	49,158	0	-361,000	0	55,000	85	256,842	0	116,705	85	-140,137	0	2,841	0	2,841	0	-492,369	0	-492,369	0	-492,369	0	-492,369	85	-488,588	85	-488,588	85	-488,588	85	-488,588	85	-488,588	85	-488,588	85	-488,588	85	-488,588														
Adjustments to base																																																						
Transfers	60	4,700	0	0	0	0	60	4,700	60	0	0	4,700	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0														
Total from other accounts																																																						
Increases																																																						
1998 Pay Raise	0	565	0	0	0	0	0	565	0	0	0	565	0	0	0	0	0	0	0	0	0	0	0	0	565	0	565	0	565	0	565	0	565	0	565	0	565	0	565	0	565													
Annulization of 1997 Pay Raise (3.0%)	0	187	0	0	0	0	0	187	0	0	0	187	0	0	0	0	0	0	0	0	0	0	0	187	0	187	0	187	0	187	0	187	0	187	0	187	0	187	0	187														
Within grade increases	0	395	0	0	0	0	0	395	0	0	0	395	0	0	0	0	0	0	0	0	0	0	0	395	0	395	0	395	0	395	0	395	0	395	0	395	0	395	0	395														
Annulization of Pay Avenue Justice Pos	0	922	0	0	0	0	0	922	0	0	0	922	0	0	0	0	0	0	0	0	0	0	0	922	0	922	0	922	0	922	0	922	0	922	0	922	0	922	0	922														
Accident Compensation	0	26	0	0	0	0	0	26	0	0	0	26	0	0	0	0	0	0	0	0	0	0	0	26	0	26	0	26	0	26	0	26	0	26	0	26	0	26	0	26														
General Services Admin (GSA) Rent	0	1,104	0	0	0	0	0	1,104	0	0	0	1,104	0	0	0	0	0	0	0	0	0	0	0	1,104	0	1,104	0	1,104	0	1,104	0	1,104	0	1,104	0	1,104	0	1,104	0	1,104														
Correspondence Management System	0	42	0	0	0	0	0	42	0	0	0	42	0	0	0	0	0	0	0	0	0	0	0	42	0	42	0	42	0	42	0	42	0	42	0	42	0	42	0	42														
Investigative/Intelligence System	0	2	0	0	0	0	0	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	0	2	0	2	0	2	0	2	0	2	0	2	0	2	0	2														
General pricing level adjustment	0	600	0	0	0	0	0	600	0	0	0	600	0	0	0	0	0	0	0	0	0	0	0	600	0	600	0	600	0	600	0	600	0	600	0	600	0	600	0	600														
Total increases	0	3,843	0	0	0	0	0	3,843	0	0	0	3,843	0	0	0	0	0	0	0	0	0	0	0	3,843	0	3,843	0	3,843	0	3,843	0	3,843	0	3,843	0	3,843	0	3,843	0	3,843														
Decreases	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0															
Total adjustments to base	60	8,543	0	0	0	0	60	8,543	-40	0	0	8,543	0	0	0	0	0	0	0	0	0	0	0	8,543	0	8,543	0	8,543	0	8,543	0	8,543	0	8,543	0	8,543	0	8,543	0	8,543														
1998 base	732	131,772	0	361,000	0	169,700	732	682,472	-40	2,036,150	672	2,698,822	0	32,267	0	32,267	0	176,553	0	176,553	0	176,553	0	176,553	672	2,906,442	672	2,906,442	672	2,906,442	672	2,906,442	672	2,906,442	672	2,906,442	672	2,906,442	672	2,906,442														
Program changes																																																						
Salaries and Related Expenses	25	8,615	0	-28,880	0	0	25	-20,265	60	36,360	85	16,101	0	0	0	0	0	0	0	0	0	0	0	16,101	0	16,101	85	16,101	85	16,101	85	16,101	85	16,101	85	16,101	85	16,101	85	16,101														
Grants	0	32,000	0	-332,120	0	55,000	0	-245,120	0	60,339	0	-164,781	0	2,000	0	2,000	0	0	0	0	0	0	0	-162,781	0	-162,781	0	-162,781	0	-162,781	0	-162,781	0	-162,781	0	-162,781	0	-162,781	0	-162,781														
Total program changes	25	40,615	0	-361,000	0	55,000	25	-285,385	60	116,705	85	-148,680	0	2,000	0	2,000	0	0	0	0	0	0	0	-146,680	0	-146,680	85	-146,680	85	-146,680	85	-146,680	85	-146,680	85	-146,680	85	-146,680	85	-146,680														
1998 estimate	757	172,387	0	0	0	224,700	757	397,087	0	2,152,855	757	2,549,842	0	35,267	0	35,267	0	176,553	0	176,553	0	176,553	0	176,553	757	2,761,762	757	2,761,762	757	2,761,762	757	2,761,762	757	2,761,762	757	2,761,762	757	2,761,762	757	2,761,762														
Change 1998 from 1997	85	49,158	0	-361,000	0	55,000	85	-256,842	0	116,705	85	-140,137	0	2,841	0	2,841	0	-352,369	0	-352,369	0	-352,369	0	-352,369	85	-488,588	85	-488,588	85	-488,588	85	-488,588	85	-488,588	85	-488,588	85	-488,588	85	-488,588														
Discretionary/Mandatory Split	630	172,387	0	0	0	224,700	630	397,087	0	2,152,855	630	2,549,842	0	4,264	0	4,264	0	0	0	0	0	0	0	2,549,842	0	2,549,842	630	2,549,842	630	2,549,842	630	2,549,842	630	2,549,842	630	2,549,842	630	2,549,842	630	2,549,842														
Discretionary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0															
Mandatory	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0															

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IMMIGRATION AND NATURALIZATION SERVICE
Summary of Requirements
(Dollars in Thousands)

	Immigration Enforcement		Land Border		Breached Border		Exams		Total										
	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE									
	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos									
1996 actual	2,281	81	11,700	79	98	11,054	48	39	80	813	4,881	4,290	567,550	26,502	23,777	3,183,508	25,314	21,915	2,586,143
1997 as enacted			11,700	79	98	11,054	48	39	80	813	4,881	4,290	567,550	26,502	23,777	3,183,508	25,314	21,915	2,586,143
1997 appropriations			11,700	79	98	11,054	48	39	80	813	4,881	4,290	567,550	26,502	23,777	3,183,508	25,314	21,915	2,586,143
1997 appropriations anticipated			3,800	79	91	8,888	48	40	104	471	5,138	5,378	848,816	29,230	27,973	3,642,175	27,973	27,973	3,642,175
1997 estimate			7,900		7	2,166				23,556	71	848	22,131	1,541	3,123	417,867	1,541	3,123	417,867
Change 1996 from 1997																			
Transfer of Base Resources to VCSRP																			
Transfer of Base Resources to Construction																			
Transfer of Base Resources to Border																			
Non-recurring MOD/Aspirations																			
Non-recurring MOD/Aspirations																			
Adjustment of changes in receipt & orders																			
Adjustment of changes in receipt & orders																			
Adjustment to base																			
Adjustment to base																			
Annulment of 1997 (replacements) (net)																			
Annulment of 1997 (replacements) (net)																			
1997 appropriation of 1997 Pw Base																			
1997 appropriation of 1997 Pw Base																			
Annulment of 1997 Pw Base																			
Annulment of 1997 Pw Base																			
Foreign Assistance																			
Foreign Assistance																			
Accident Comp																			
Accident Comp																			
Medical Hospital Service Costs																			
Medical Hospital Service Costs																			
Travel Major Allowance Rate																			
Travel Major Allowance Rate																			
Correspondence Management System																			
Correspondence Management System																			
Investigations/Management																			
Investigations/Management																			
ICASS Increase for Staffing & Inflation																			
ICASS Increase for Staffing & Inflation																			
CPUSA																			
CPUSA																			
Financial Audited Statement																			
Financial Audited Statement																			
Restoration of 1998 FTE Cut																			
Restoration of 1998 FTE Cut																			
Northern Mariana Island																			
Northern Mariana Island																			
Discretionary Increases																			
Discretionary Increases																			
Nonrecurring 1997 program costs																			
Nonrecurring 1997 program costs																			
1998 base																			
1998 base																			
Program Changes																			
Program Changes																			
Professionalism																			
Professionalism																			
Border Facilitation and Control																			
Border Facilitation and Control																			
Removal of Criminal & Non-Crim. Aliens																			
Removal of Criminal & Non-Crim. Aliens																			
Immigration Service																			
Immigration Service																			
Customer Service																			
Customer Service																			
Phaseout of Legalization Program																			
Phaseout of Legalization Program																			
Total Program Changes																			
Total Program Changes																			
1998 estimate																			
1998 estimate																			
Change 1996 from 1997																			
Change 1996 from 1997																			

1) Because of the proposed to merge the Immigration Enforcement (Imm) with the Breached Border/Overseas (Imm) the combined resources are shown beginning in 1997.

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DEPARTMENT OF JUSTICE
Detail of Permanent Positions by Category
TOTALS
1996 - 1998

	LEGAL ACTIVITIES			BUREAUS			VIOLENT CRIME REDUCTION PROGRAMS			TOTALS		
	1996	1997	1998	1996	1997	1998	1996	1997	1998	1996	1997	1998
Appropriated Funds												
Attorneys (955)	8,097	8,077	8,405	545	574	597	489	538	640	744	775	797
Paralegal Specialists (950)	1,066	1,083	1,236	108	120	139	28	30	34	126	148	126
Other Legal and Kindred (900-999)	2,275	2,283	2,549	1,209	1,285	1,374	388	198	212	3,990	3,904	4,277
Detention and Deportation Officer (1801)				658	659	659	61	108	244	740	765	803
Detention Enforcement Officer (1802)				1,255	1,176	1,176	120	271	422	1,378	1,447	1,598
Civilian Inspectors (1810)	58	90	94							18	18	18
Criminal Investigators (1811)	2,524	2,727	2,889	14,315	14,547	14,502	544	961	1,578	17,495	18,348	18,832
Immigration Inspectors (1816)				1,337	1,473	1,474	700	700	1,200	1,337	1,473	1,474
Border Patrol Agents (1806)				5,359	6,233	6,233	328	178	255	6,059	6,833	7,433
General Enforcement & Support (1800-1899)				1,680	888	888				1,018	874	951
Correction Institution Admin (006)				13,583	14,337	15,057	1			13,584	14,338	15,058
Fingerprint Identification (072)				740	740	740				740	740	740
U.S. Marshals (082)												
Trustees (301)	24	24	44							24	24	44
Regional Directors (340)	14	14	147									
Other Law-Related Occupations (001-099)	63	50	50	8,071	8,963	7,178				8,237	7,038	7,354
Soc. Science, Econ. and Kindred (100-199)				2,086	2,195	2,283	266	347	368	2,438	2,810	2,717
Intelligence Group (132-134)				402	409	444				402	422	482
Personnel Management (200-299)	122	121	121	1,299	1,337	1,359	4	10	14	1,483	1,528	1,552
Gen. Admin. Clerical & Off. Svc. (300-399)	2,955	2,950	3,019	13,193	13,329	13,312	682	851	1,373	17,147	17,535	18,109
Biological Sciences (400-499)	293	283	285	1,282	1,304	1,328	18	135	282	1,782	1,887	2,054
Medical, Dental and Public Health (800-799)				2,185	2,724	2,782				2,186	2,725	2,783
Engineering and Architecture Group (800-899)	3	3	3	527	538	540	15	16	22	545	557	565
Information and Arts Group (1000-1099)	27	24	24	89	100	100	54	63	95	277	284	318
Business and Industry Group (1100-1199)	85	65	65	585	587	597				675	682	695
Patent and Trademark Group (1200-1299)												
Physical Sciences Group (1300-1399)				219	225	20				219	232	249
Library and Archives Group (1400-1499)	14	14	14	7	6	6				1	57	57
Mathematics & Statistical Group (1500-1599)	3	3	3	80	75	75				10	15	83
Equip. Facilities & Svc Group (1600-1699)	7	28	28	543	599	615				5	662	641
Education Group (1700-1799)	3	3	3	889	1,054	1,080	38	38	47	1,030	1,095	1,130
Supply Group (2000-2099)	13	16	16	237	291	295				4	13	273
Order and Procurement (2100-2199)				18	17	17				18	16	16
Transportation (2100-2199)	38	53	53	18	17	17	18	16	16	70	86	86
Food Preparation and General Maintenance												
Motor Vehicle Operations (5703)				3,352	3,563	3,871	20	20	28	3,372	3,583	3,899
Security Specialist (080)												
Total	19,810	18,086	18,870	74,731	79,030	80,125	3,795	4,549	7,108	95,752	101,185	105,838

DEPARTMENT OF JUSTICE
Detail of Permanent Positions by Category
LEGAL ACTIVITIES
1990 - 1993

[illegible]

DEPARTMENT OF JUSTICE
Detail of Permanent Positions by Category
BUREAUS
1996 - 1998

	FEDERAL BUREAU OF INVESTIGATION			ORIG. EMPLOYMENT ADMINISTRATION			NATURALIZATION & SERVICE			FEDERAL PRISON SYSTEM			OFFICE OF JUSTICE PROGRAMS			BUREAUS		
	1996	1997	1998	1996	1997	1998	1996	1997	1998	1996	1997	1998	1996	1997	1998	1996	1997	1998
Appropriated Funds																		
Attorneys (205)																		
Paralegal Specialists (950)																		
Paralegal Support Staff (100-999)																		
Detention and Deportation Officer (1801)																		
Detention Enforcement Officer (1802)																		
General Investigators (1810)																		
Criminal Investigators (1811)																		
Administrative Assistants (1816)																		
Border Patrol Agents (1899)																		
General Enforcement & Support (1800-1879)																		
Correctional Institution Admin (008)																		
Correctional Officers (007)																		
U.S. Marshals (082)																		
Trustees (301)																		
Conciliation Specialists (301)																		
Regional Directors (340)																		
Other Miscellaneous Occupations (001-099)																		
Office Support and Administrative (100-199)																		
Intelligence Group (132-134)																		
Personnel Management (200-299)																		
Gen. Admin., Clerical & Off. Svc. (300-399)																		
Biological Sciences (400-499)																		
Medical, Dental and Public Health (600-699)																		
Engineering and Architecture Group (800-899)																		
Information and Arts Group (1000-1099)																		
Business and Industry Group (1100-1199)																		
Physical Sciences Group (1300-1399)																		
Physical Sciences Group (1400-1499)																		
Library and Archives Group (1500-1599)																		
Mathematics & Statistical Group (1600-1699)																		
Equip., Facilities & Svc. Group (1700-1799)																		
Education Group (1800-1899)																		
Transportation (2100-2199)																		
Border Patrol Pilots (2181)																		
Food Preparation and General Maintenance																		
Motor Vehicle Operators (5103)																		
Security Specialist (080)																		
Total	22,563	24,288	24,831	5,571	5,050	4,494	15,424	16,447	16,446	30,517	32,849	33,903	656	396	411	74,731	79,030	80,125

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Department of Justice

ADJUSTMENT-TO-BASE ITEMS

The adjustment-to-base items listed in the estimates for various appropriations involve nondiscretionary expenses of the Department. These costs result primarily from statutes, Executive orders, and other Presidential directives that have Government wide application; in a number of cases resources are also requested to pay for the price increases of basic commodities and services. The items in these categories are reflected in the justification materials as "Increases" or "Decreases" in the justification of "Adjustments to base" portion of the each budget along with other nonrecurring items. The cost of the increases less the amounts identified as "Decreases" represent the net change to maintain the Department's 1998 level of operations. These computations, together with transfers, savings from management initiatives and adjustments in permanent positions, determine the base for 1998.

A. Adjustment-to-Base items required by statute, Executive Order, or other Presidential directive include costs that the Department must pay to implement Government-wide regulations and policies. These items are listed below with a brief statement relating to the statutory or other authority and any legal citation.

1. 1998 pay raises. This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy. The amount requested represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits.
2. Annualization of 1997 pay raises. This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent. The amount requested represents the pay amounts for the first quarter of the year plus appropriate benefits.
3. Annualization of additional positions approved in 1997. This provides for the annualization of additional positions provided in 1997 Congressional Action. This request includes nonrecurring costs for one-time items associated with the increased positions.

4. Accident compensation (Federal Employees' Contributions Act -- Workers' Compensation). Public Law 89-554 provides that an employee who is injured in the performance of duty is to be furnished medical services and other benefits, and that these expenses, when authorized or approved by the Secretary of Labor, are to be paid by the Employees' Compensation fund (5 U.S.C. 8133). The Secretary is to furnish to each agency the payments made from the Fund applicable to each agency and such agency is to include in its annual budget estimates a request for an appropriation equal to such costs; when such sums become available, they are to be deposited to the credit of the Employee's Compensation Fund (5 U.S.C. 8147(b)). The request for 1998 reflects the actual billing based on costs incurred during 1996.

5. General Services Administration (GSA) Rent. Public Law 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration (GSA) to charge for the use of space furnished. Additional space for new positions and other purposes is contained within each of the program requests. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The increases vary based on the buildings that each organization is actually occupying.

B. Funds are required for other adjustment-to-base items not specifically mandated by statute, Executive Order, or other Presidential directive. These increases are necessary to maintain program at the previously requested or currently authorized level of operation. Some are particularly sensitive to price changes and all are mandatory to the extent that they involve cost increases that must be paid and their denial would adversely affect the health and welfare standards already established for prisoners, create pay inequities in the compensation of various categories of government employees, or significantly affect the level of activity provided by a program. In some instances, the increase requested consists of a mixture of costs increased by statute, Executive Order, or other government-wide regulations, as well as costs relating to market price changes, e.g., paper, fuel, and toll rate changes. The categories are itemized below.

1. Within-grade increases. This request provides for the expected increases in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The amount includes pay and benefits.

2. Foreign allowances. Standard regulations that apply to Government civilians in foreign areas state that certain allowances may be paid to personnel serving in civilian status overseas. These include: quarters allowance, post allowance, post differential and educational allowance. Amounts of these allowances, which are determined by the Department of State based on location, will increase by an average of 1.7 percent increase over the budgeted amount for 1996.

3. Medical Hospital Service costs. The Department of Health and Human Services is projecting an increase in health care costs. The Department is applying a factor of 5.3 percent based on the Consumer Price Index and is being applied against medical services for care of persons in the custody of the Department.

4. Mileage allowance rate increase. The mileage allowance rate has increased from 30 cents to 31 cents per mile. An increase is requested in 1998 to cover this rate adjustment.

5. Correspondence Management System. An increase is required in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. This new system, provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved recordkeeping, and improved reporting capability.

6. Investigation/Reinvestigation. Executive Order 10450 "Security Requirements for Government Employees" requires that appointments of each civilian officer or employee in an any department or agency of the Government shall be made subject to investigation. Additional funding is required to cover the costs of additional contractor support needed to ensure timely compliance with this Executive Order. It is critical to accommodate the Department's security requirements by ensuring investigations and reinvestigations are timely initiated on newly appointed civilian officers and employees.

7. ICASS Increase for Staffing. Under the ICASS an annual charge will be made by the DOS for administrative support based on the number of overseas staff for each Federal agency. Because the law enforcement operations of the Department of Justice have increasing international demands, additional overseas staffing since 1995 will result in increased ICASS costs in 1998. Based on the additional overseas staffing, Department of State has provided an increased cost estimate for this organization in 1998.

8. Spectrum Frequency Management. Public Law 104-134 authorizes the Secretary of Commerce to charge Federal agencies for spectrum management services. The National Telecommunications and Information Administration estimates that the Department of Justice costs for 1998 will be \$723,000 based on the annual number of frequency assignments. Given the dependence of the Department's law enforcement operations on efficient and dependable frequency management, this funding is necessary to continued operations.

9. Northern Mariana Islands. Prior to 1998, the Department of Interior reimbursed the Department of Justice for the costs of addressing serious crime problems in the Commonwealth of the Northern Mariana Islands (CNMI). However, beginning in 1998, reimbursement of these costs will not be available. Funding is requested to maintain current efforts in CNMI.

10. General pricing level adjustments. This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.

11. Other. These adjustments include: the Administrative Salary Increase, Jail Day Rate Increase, INTERPOL Dues and Security Guard Services.

C. Adjustments to base are made for non-policy decreases in both nonrecurring items and other items.

1. One-time transfer for High Intensity Drug Trafficking Areas (HIDTA) amount. The Office of National Drug Control Policy provided funding for HIDTA transfers in 1997. For 1998, these transfer amounts have not been determined and are not yet reflected in the components budget requests.

DEPARTMENT OF JUSTICE
1998 APPROPRIATION LANGUAGE CHANGES

The information provided below describes substantive changes from the Department of Justice Appropriations Act, 1997. Non-substantive changes such as new funding requests, changes in the number of motor vehicles, or changes in references to fiscal years are not included.

General Administration. Language is proposed deleting the provisions limiting the operations of the Offices of Legislative and Public Affairs. In addition, language providing anti-terrorism funding in 1997 to respond to several terrorist incidents, under the emergency requirement of the Balanced Budget and Emergency Deficit Control Act, is proposed for deletion.

Counterterrorism Fund. Language providing funding for restoration of offices and facilities damaged as a result of the bombing of the Alfred P. Murrah Building in Oklahoma City is proposed for deletion. Should additional funding be required for this purpose, the remaining language provides sufficient authority. In addition, language providing anti-terrorism funding in 1997, to respond to several terrorist incidents, under the emergency requirement of the Balanced Budget and Emergency Deficit Control Act, is proposed for deletion.

Office of the Inspector General (OIG). Language is proposed to allow the Attorney General to transfer up to one-tenth of one percent of grant funds provided to the Department of Justice from the Violent Crime Reduction Trust Fund to the OIG for the audit or review of these grant programs as provided in section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322).

Administrative Review and Appeals. Language providing anti-terrorism funding in 1997, to respond to several terrorist incidents, under the emergency requirement of the Balanced Budget and Emergency Deficit Control Act, is proposed for deletion.

Salaries and Expenses, General Legal Activities. Language is proposed deleting the provisions limiting the operations of the Offices of Legislative and Public Affairs. In addition, the authority to accept gifts to host the International Criminal Police Organization's American Regional Conference is proposed for extension through fiscal year 1998. Finally, language providing anti-terrorism funding in 1997, to respond to several terrorist incidents, under the emergency requirement of the Balanced Budget and Emergency Deficit Control Act, is proposed for deletion.

Salaries and Expenses, United States Attorneys. Language is proposed to expand the reference to intergovernmental agreements to ensure that cooperative agreements are included.

Language relating to debt collection functions has been simplified; however, no change in the functions performed is intended.

The provision allowing funding for the International Brotherhood of Teamsters to remain available until expended is proposed for deletion. The need for this provision will have expired in 1998.

The limitation on personnel resources for the U.S. Attorneys is proposed for deletion.

Language is proposed to request that \$6,000,000 for office moves, expansions and renovations remains available for two fiscal years to allow needed funding to remain available in the event of any construction slippages. This requirement is largely the result of new courthouses currently being constructed throughout the country.

Language is proposed that would make not to exceed \$8,000,000 for a D.C. Superior Court information systems strategy and not to exceed \$2,500,000 for the operation of the National Advocacy Center available until expended. These provisions ensure that funding remains available for these two purposes in the event of any procurement or activation delays.

Finally, language providing anti terrorism funding in 1997, to respond to several terrorist incidents, under the emergency requirement of the Balanced Budget and Emergency Deficit Control Act, is proposed for deletion.

Violent Crime Reduction Programs (VCRP), United States Attorneys. Language is proposed to delete reference to specific funding for each of the various programs authorized in the Violent Crime Control and Law Enforcement Act of 1994 (Pub. Law 103-322).

Salaries and Expenses, United States Marshals Service (USMS) Language is proposed to add the phrase "not to exceed" to the provision relating to funding for the Justice Prisoner and Alien Transportation System is available until expended. This clarification is needed because the Department of the Treasury otherwise assumes that the "not to exceed" phrase applies only to the first amount in the provision.

Language is proposed to provide that not to exceed \$2,300,000 for construction costs in prisoner detention areas remains available until expended. This provision will preserve these funds in the event of any construction slippages.

Language is also proposed making the provision that allows the USMS to collect reimbursements for the transport of State and local prisoners permanent.

Finally, language is proposed deleting the provisions limiting the operations of the Offices of Legislative and Public Affairs.

Federal Prisoner Detention. Language, prohibiting the use of Federal Prisoner Detention funds for expenses related to the Cooperative Agreement Program, is proposed for deletion. This provision was enacted in 1997 for any appropriations thereafter.

Assets Forfeiture Fund. Language is proposed that removes subparagraph C dealing with the payments of awards. This proposed change implements section 114 of the Department of Justice Appropriations Act, 1997 (P.L. 104-208), which removed subparagraph C from the list of uses to be specified in annual appropriations acts.

Radiation Exposure Compensation Trust Fund (RECTF), Administrative Expenses. Language is proposed providing the 1999 requirement for the defense-related functions, in accordance with the biennial budgeting requirements for such functions.

Payment to RECTF. Language is proposed providing the 1999 requirement for the defense related functions, in accordance with the biennial budgeting requirements for such functions.

Interagency Crime and Drug Enforcement. The requested amount reflects the transfer to the Department of the Treasury and the Department of Transportation of the amounts for the 1998 operations of OCDE programs in those agencies. Enactment of this language would have the effect of superseding the language found in the Anti Drug Abuse Act of 1988 (P.L. 100-690, Title I, Subtitle B, section 1055(a)).

Federal Bureau of Investigation (FBI), Salaries and Expenses. Language is proposed clarifying the uses of funds made available until expended for fingerprint identification services and adding a provision to make not to exceed \$14,000,000 for research and development related to investigative activities available until expended. Deletion of the phrase "payments to" is proposed in order to make it clear that normal payments, such as those for State and local task forces, are not included in this limitation.

Language is proposed deleting the provisions limiting the operations of the Offices of Legislative and Public Affairs. In addition, language providing anti-terrorism funding in 1997, to respond to several terrorist incidents, under the emergency requirement of the Balanced Budget and Emergency Deficit Control Act, is proposed for deletion.

A provision is proposed limiting grants or subsidies to States and localities for ballistics imaging equipment in order to eliminate duplication of such grants or subsidies.

Finally, language is proposed providing the 1999 requirement for the defense-related functions of the FBI, in accordance with the biennial budgeting requirements for such functions.

FBI Telephone Carrier Compliance Fund (TCCF). Language is proposed deleting the phrase referring to section 110 of the Department of Justice Appropriations Act, 1997 (P.L. 104-208). Section 110 permanently amended the Communications Assistance for Law Enforcement Act; thus the reference is no longer needed.

In addition, language providing anti-terrorism funding in 1997, to respond to several terrorist incidents, under the emergency requirement of the Balanced Budget and Emergency Deficit Control Act, is proposed for deletion.

Finally, language is proposed providing the 1999 requirement for the defense-related functions of the TCCF, in accordance with the biennial budgeting requirements for such functions.

VCRP, Federal Bureau of Investigation. Language is proposed deleting the provision related to the Brady Handgun Violence Prevention Act. No additional funding for this purpose is requested in 1998.

Drug Enforcement Administration. Language is proposed deleting the provisions limiting the operations of the Offices of Legislative and Public Affairs. In addition, language providing anti-terrorism funding in 1997, to respond to several terrorist incidents, under the emergency requirement of the Balanced Budget and Emergency Deficit Control Act, is proposed for deletion.

VCRP, Drug Enforcement Administration. Language is proposed providing limits on the number of passenger motor vehicles that may be purchased without regard to the annual general purchase price limitation.

Immigration and Naturalization Service (INS), Salaries and Expenses Language is proposed allowing for the care and housing of Federal detainees held in the joint INS and USMS Buffalo Detention Facility.

Language is proposed to allow not to exceed \$5,000,000 to fund or reimburse other Federal agencies for the care, maintenance and repatriation of smuggled illegal aliens.

A provision is proposed that permits the Attorney General to reallocate funds to the INS training program from other INS programs in order to pay costs associated with immigration officer basic training. Associated with this provision is the proposed deletion of language that provided up to \$10,000,000 for basic officer training.

Language is proposed that would allow the INS commissioner to pay more than \$30,000 to any INS employee for annual overtime costs on a calendar year basis if the commissioner determines that failure to do so would harm enforcement or service activities.

Three provisions are proposed for deletion: the first limits funds for San Clemente and Temecula checkpoints unless the checkpoints are being operated on a continuous 24-hour basis; the second is no longer required because the Land Border Fee Pilot Project has been extended through fiscal year 1999; and the third is no longer required because all balances from the Community Relations Service for the Cuban Haitian Entrant Program have been transferred to INS.

Language is proposed deleting the provisions limiting the operations of the Offices of Legislative and Public Affairs. In addition, language providing anti-terrorism funding in 1997, to respond to several terrorist incidents, under the emergency requirement of the Balanced Budget and Emergency Deficit Control Act, is proposed for deletion.

VCRR, Immigration and Naturalization Service. Language is proposed to delete reference to specific funding for each of the various programs authorized in the Violent Crime Control and Law Enforcement Act of 1994 (Pub. Law 103-322).

Federal Prison System, Salaries and Expenses (FPS, S&E). Provisions requiring the inclusion of the National Institute of Corrections (NIC) in the FPS, S&E budget and directing the transfer of NIC balances to the FPS, S&E are proposed for deletion. These provisions are no longer required because the language referred to "hereafter", and these actions have been implemented.

Buildings and Facilities. Language is proposed to delete reference to renovation and construction of USMS prisoner-holding facilities. This funding is now requested in the USMS appropriation.

Office of Justice Programs (OJP). Language is proposed to add \$25,000,000 for the National Sexual Offender Registry. In addition, language providing anti-terrorism funding in 1997, to respond to several terrorist incidents, under the emergency requirement of the Balanced Budget and Emergency Deficit Control Act, is proposed for deletion.

Community Oriented Policing Services: Language is proposed to provide specific amounts for each education, training and service program proposed to be funded. Language is also proposed for the new Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles program, which will provide grants to prosecutorial offices to target gangs, gang violence and other violent juvenile crime.

VCRP, State and Local Law Enforcement Assistance: Language is proposed to delete funding for the Local Law Enforcement Block Grants. No funding is requested for this program in 1998.

Language is proposed to provide both formula and discretionary grant funding for the Edward Byrne Memorial State and Local Law Enforcement Assistance program. Language is proposed to include within the formula grant \$30,000,000 exclusively for State drug testing. All funds for the Byrne grant program are requested from the Violent Crime Reduction Trust Fund in 1998.

Two provisions, dealing with the availability of Violent Offender Incarceration and Truth in Sentencing Incentive grants are proposed for deletion. One of these provisions made funding available to California for incarceration of criminal aliens. The other provision was made permanent by language providing no funds to States for 1999 and thereafter unless drug testing programs have been implemented.

Language that provided \$200,000 for a National Baseline Study on Campus Sexual Assault is proposed to be deleted. This funding was provided for a one-time study in 1997 and is no longer needed in 1998.

Language is proposed to include \$50,000,000 for the Violent Youth Court Program pursuant to section 210802 of the Violent Crime Control and Law Enforcement Act of 1994 (Pub. Law 103-322).

Language is proposed to include \$8,000,000 for Assistance to Delinquent and At-Risk Youth pursuant to section 30702 of the Violent Crime Control and Law Enforcement Act of 1994 (Pub. Law 103-322).

Language is proposed to include \$1,000,000 for treatment of tuberculosis among inmates of correctional institutions pursuant to section 32201(c)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (Pub. Law 103-322).

Language is proposed to provide \$500,000 for the Presidential Summit on Crime and the National Commission on Crime Prevention pursuant to section 270009 of the Violent Crime Control and Law Enforcement Act of 1994 (Pub. Law 103-322).

A provision, allowing the merger of balances for the programs now funded from this appropriation, is proposed to be deleted. This merger of balances has been implemented, and the provision is no longer needed.

A provision requiring a net increase in the number of non-administrative public safety officers that result from the use of these funds is proposed for deletion.

OJP, State and Local Law Enforcement Assistance: Language is proposed to be eliminated since all program funds are requested under the VCRP in 1998.

OJP, Juvenile Justice Programs: Language referring to title V of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, is proposed for deletion. Language is proposed that would provide \$75,000,000 for a new program, the Anti-Tuancy, School Violence and Crime Intervention Program, which is requested in the place of the title V programs.

A provision that provided funds for programs that assure accountability based sanctions for delinquent actions is proposed for deletion.

Public Safety Officer Benefits: A provision is proposed to provide \$2,000,000 for the Federal Law Enforcement Assistance Program, as authorized by section 1212 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690). In addition, several language changes are proposed in order to incorporate this new program. These changes are intended to make no substantive changes.

GENERAL PROVISIONS - DEPARTMENT OF JUSTICE

The following sections are proposed for 1998. Sections 101 through 107 are substantively unchanged from the 1997 enacted provisions.

Section 101, states that a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General. is unchanged from the 1997 provision.

Section 102 continues the authorizations contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980" until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier. This section also is unchanged.

Section 103, (section 104 of the 1997 Act) which is unchanged, states that none of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way, the performance of an abortion.

Section 104 (section 105 of the 1997 Act) states that nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility, and that nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

Section 105 (section 106 of the 1997 Act) states that not to exceed \$10,000,000 of the funds appropriated to the Department of Justice in this Act shall be available for publicly-advertised, extraordinary rewards, which are not subject to the limitations found in 18 U.S.C. 3059 and 3072. Any rewards of \$100,000 or more, up to a maximum of \$2,000,000 must be personally approved by the President or the Attorney General. This section also is unchanged.

Section 106 (section 107 of the 1997 Act) states that not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such

appropriations, but no appropriation, except as otherwise specified, shall be increased by more than 10 percent by such transfers. Any transfers pursuant to this section must be treated as a reprogramming of funds under section 605 of this Act. This section also is unchanged.

Section 107 (section 108 of the 1997 Act) amends 28 U.S.C. 524(c)(8) by striking "1996" and inserting "1997 and thereafter." This updates the availability of Assets Forfeiture Fund Super Surpluses for distribution by the Attorney General.

Section 108 amends section 151 of the Foreign Relations Authorization Act by inserting "the Federal Bureau of Investigation" after "Drug Enforcement Administration." This will provide special allowances for FBI agents in hazardous duty locations outside the United States.

Section 109 extends the authorization for payments under the Communications Assistance for Law Enforcement Act through 2000. This authorization otherwise expires in 1998.

Section 110 amends the Victims of Crime Act (VOCA) of 1984. This provision repeals Section 1402(d)(1) of VOCA and authorizes the use of unexpended Crime Victims Fund dollars previously available to the Administrative Office of the United States Courts for Federal system improvements to be used for Crime Victims Fund purposes.

Section 111 amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to make the limitation on overtime payments to INS employees consistent with that found in the Department of Justice Appropriations Act, 1997 (P.L. 104-208).

Section 112 amends the Immigration and Nationality Act of 1952, as amended, by including cruise ship passengers, previously exempt from inspection fees, to be assessed such fees; strikes the authorization stating that section 245(i) receipts will be deposited into the Immigration Detention Account; amends the authorization of the Breached Bond/Detention Fund (Fund) to give the Attorney General control of receipts in the Fund account; and requires depositing receipts collected under the provisions of section 245(i) to now be deposited into the Breached Bond/Detention Fund.

Section 113 repeals the sunset provision pertaining to section 245(i) of the Immigration and Nationality Act of 1952, as amended. The provisions of this section currently apply through September 30, 1997.

Section 114 gives the authority to the Attorney General to declare an immigration emergency. This authority was previously reserved to the President.

The following sections are proposed for deletion and do not appear in the 1998 request. The section numbers are those in the 1987 Appropriations Act. Most of these sections amend the underlying statute or are permanent authorities and, thus, do not need to be continued.

Section 103 prohibits the use of Department of Justice funds to pay for an abortion. The Administration plans to work with Congress to address this issue.

Section 109 permanently amended various sections of title 28, United States Code changing the U.S. Trustee's fee structure and funding. Therefore, this section is no longer required.

Section 110 permanently amended the Communications Assistance for Law Enforcement Act (P.L. 103-414). Further changes are not needed.

Section 111 provided the sense of the Congress that the Drug Enforcement Administration should take the necessary actions to end the illegal importation of Rohypnol, a drug frequently distributed with the intent to facilitate sexual assault and rape.

Section 112 permanently amended the Victims of Crime Act of 1984 to permit the use of resources for the assistance of victims of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City to facilitate the observation and or participation of such victims in trial proceedings arising from the bombing.

Section 113 permanently amended P.L. 104-132 to require reporting and a special study on the use of various detection devices and techniques in order to prevent and solve acts of terrorism.

Section 114 permanently amended 28 U.S.C. 524 (c)(1) to delete rewards from the list of expenses to be paid from the Assets Forfeiture Fund appropriation. Rewards will now be paid from Assets Forfeiture Fund management expenses.

Section 115 allows the reimbursement of Federal, State and local taxes to employees who are traveling on temporary duty on behalf of the United States for 1997 and thereafter.

Section 116 permanently amends 28 U.S.C. 524 to allow the acceptance of gifts, devises and bequests of any property for the purposes of aiding or facilitating the work of the Department of Justice

Section 117 permanently amends 28 U.S.C. 524 to allow the Attorney General to warrant clear title to purchasers of forfeited property. It also allows for a one-time transfer in 1997.

Section 118 permanently amends 28 U.S.C. 594 dealing with the requirements of the independent counsel.

Section 119 enacted permanent legislation, the Age Discrimination in Employment Amendments of 1996.

Section 120 permanently amended the Violent Crime Control and Law Enforcement Act of 1994

Section 121 enacted permanent legislation, the Child Pornography Prevention Act of 1996.

Department of Justice
General Administration
Estimates for Fiscal Year 1998
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General Administration
Salaries and Expenses
Summary Statement
Fiscal Year 1998

The General Administration appropriation is requesting a total of \$79,959,000, 649 positions, and 670 workyears in 1998. This request represents an increase of \$86,000, 16 positions, and 16 workyears from the 1997 appropriation enacted.

The primary mission of the General Administration appropriation is to support the Attorney General and Department of Justice senior policy level officials in managing Department resources and developing policies for legal, law enforcement, and criminal justice activities. Providing administrative support services to the legal divisions and policy guidance to all Department organizations is also part of the primary mission of this appropriation. The missions of this appropriation are accomplished through the decision unit activities of Program Direction and Policy Coordination. The major 1998 initiatives and resource requests for these activities are summarized below.

Program Direction and Policy Coordination

This budget activity includes resources for the offices that support the following programs: Department Leadership, Executive Support, Intelligence Policy and Professional Responsibility, and the Justice Management Division.

The Department Leadership program consists of the Offices of the Attorney General, the Deputy Attorney General, and the Associate Attorney General. These offices are responsible for developing policies regarding the administration of justice in the United States; representing the United States before foreign governments and international organizations; and advising the President, the Vice President, the Congress, and the heads of Executive departments and agencies. The Department Leadership request reflects a program increase of \$1,633,000, 14 positions, and 14 workyears for the restoration of the Office of the Associate Attorney General. Congressional action provided no resources specifically for the Associate's Office in 1997.

The Executive Support program consists of the Office of Policy Development, the Office of Public Affairs, the Office of Legislative Affairs, and the Office of Intergovernmental Affairs. The Office for Information and Privacy is funded on a reimbursable basis. The Executive Support program has several missions. These include conducting legal and policy analysis in support of Department initiatives; providing policy guidance to the Department's senior officials; representing the Department before Congress; and advising legislative goals by presenting its positions clearly and well to the Office of Management and Budget and Congress. Informing Department personnel, the media, and the public of Department activities; advising the Attorney General and other Department officials in their dealings with the media and Congress; acting as a liaison with Federal, State, local, and international governments and law enforcement officials; and acting as a liaison among other officials, professional groups, and the White House Office of Intergovernmental Affairs. The Executive Support request reflects a program increase of \$19,000 to provide the Office of Public Affairs funding to support its authorized FTE level.

The Intelligence Policy and Professional Responsibility Program consists of the Office of Intelligence Policy and Review and the Office of Professional Responsibility (OPR). This program is responsible for the coordination, development, and implementation of Departmental policy on intelligence and national security matters. The responsibility for strengthening the integrity of and maintaining public confidence in the Department of Justice, as well as fostering a commitment to ethical principles among all Department employees, also falls within the realm of this decision unit. A program increase of two positions, two FTE, and \$426,000 is requested which will enable OPR to more rapidly investigate allegations of attorney misconduct.

The Justice Management Division is responsible for ensuring that the management initiatives of the President, the Attorney General, and the Department are implemented soundly and responsibly. The JMD provides administrative support and policy guidance to Department organizations efficiently and effectively. The JMD provides organizations with policy guidance and/or direct support in the areas of personnel, equal employment opportunity, training, procurement, management, budget, financial policy, facilities planning, and security.

General Administration
Salaries and Expenses

Proposed Changes in Appropriation Language

The 1998 budget estimates include changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

<p>for expenses necessary for the administration of the Department of Justice, (879,873,000) ; of which not to exceed \$3,317,000 is for the facilities Program 2000, to remain available until expended [Provided, that not to exceed 43 permanent positions and 44 full-time equivalent workyears and</p>	\$79,959,000
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\$7,477,000 shall be expended for the Department Leadership Program, exclusive of augmentation that occurred in these offices in fiscal year 1996; provided further, that not to exceed 41 permanent positions and 48 full-time equivalent workyears and \$4,600,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, that the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.)

(For an additional amount, for enhancements for the Office of Intelligence Policy and Review and security measures, \$3,600,000; of which \$2,170,000 is for security enhancements: Provided, that the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balance Budget and Emergency Deficit Control Act of 1985, as amended.) (Department of Justice Appropriations Act, 1997)

General Administration
Salaries and Expenses
Crosswalk of 1997 Changes
(Dollars in Thousands)

Activity/Program	1997 Request as Amended		Congressional Appropriation Actions on 1997 Request		Reprogramming		1997 Availability	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
1. Program Direction and Policy Coordination								
Department Leadership	98	89	(55)	(45)			43	44
Executive Support	86	90	(10)	(1)			76	89
Intelligence Policy & Prof. Responsibili	53	53	9	9			62	62
Justice Management Division	459	459	(7)	(2)			452	457
Drug Testing Initiative				4,700				50,204
Subtotal	696	691	(63)	(39)			633	652
National Drug Intelligence Center (NDIC) ¹				27,000				27,000

¹ This amount reflects the transfer of funds from the Intelligence Community Management Account to the Department of Justice to support the Department of Defense's count operation of NDIC in Johnstown, Pennsylvania

**General Administration
Bureau of Personnel
Bureau of Management
(Dollars in Thousands)**

Adjustments to Base	1997 Appropriation Enacted		1998 Actual		1999 Estimate		2000 Estimate		2001 Estimate		Increase/Decrease	
	Est.	W.Y.	Est.	W.Y.	Est.	W.Y.	Est.	W.Y.	Est.	W.Y.	Est.	W.Y.
1997 Appropriation Enacted	633	652	633	652	633	652	633	652	633	652	633	652
1998 Actual / Adjustment to Base												
1998 Base	633	654	633	654	633	654	633	654	633	654	633	654
Program Changes (See Program Narrative for Details)												
1998 estimate	16	16	16	16	16	16	16	16	16	16	16	16
	649	670	649	670	649	670	649	670	649	670	649	670
Estimates by budget activity												
Program Direction and Policy Coordination												
Department Leadership	48	55	48	54	48	54	48	54	48	54	48	54
Executive Support	76	90	76	86	76	86	76	86	76	86	76	86
Intelligence Policy & Professional Responsibility	37	37	37	44	37	44	37	44	37	44	37	44
Justice Management Division	459	459	459	447	459	447	459	447	459	447	459	447
Information and Oversight of DHS												
Drug Training Initiative	620	641	620	632	620	632	620	632	620	632	620	632
Total	633	652	633	652	633	652	633	652	633	652	633	652
Reimbursable work years												
Total work years	72	713	72	704	72	704	72	704	72	704	72	704
Other work years												
Holiday/Christmas	13	716	13	717	13	717	13	717	13	717	13	717
Total Comp work years	85	789	85	781	85	781	85	781	85	781	85	781

General Administration
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Pos.	NY	Pos.	NY	Pos.	NY	Pos.	NY
Collections by Services								
Admission Division	8	8	8	8	8	8		
Bureau of Prisons								
Civil Division	2	2	2	2	2	2		
Criminal Division	7	7	7	7	7	7		
Drug Enforcement Administration	4	4	4	4	4	4		
Executive Office of U.S. Attorneys	36	36	36	36	36	36		
Federal Bureau of Investigation	2	2	2	2	2	2		
Immigration & Naturalization Service	16	16	16	16	16	16		
U.S. Marshall Service								
WCF Unobligated Balance Transfers								
All Other								
Budgetary Resources	75	75	75	75	75	75		

	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Pos.	W.Y. Amount	Pos.	W.Y. Amount	Pos.	W.Y. Amount	Pos.	W.Y. Amount
General Administration Reimbursable Resources Summary of Requirements (Dollars in Thousands)								
Obligations by Program:								
Department Leadership		\$795		\$409		\$409		
Executive Support	36	3,202	36	3,500	36	3,500		
Intelligence Policy & Professional Responsibility	3	336		195		195		
Justice Management Division:	33	7,399	32	10,582	32	10,582		
Total	72	11,732	75	14,693	75	14,693		

General Administration
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

	Department Leadership		Executive Support		Intelligence Policy and Prof. Respon.		Justice Management Division		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades:										
EX-03/00	1	123							1	123
ES-00/04	3	348							3	348
GS-15	1	81			2	205			3	286
GS-14	1	62		\$186					1	248
GS-13	1	53							1	53
GS-12	2	90							2	90
GS-11	5	156							5	156
GS-9				\$65					0	65
GS-7									0	0
AD Pay									0	0
Total positions & annual rate	14	913		251	2	205			16	1,369
Lapse (-)									0	0
Other personnel compensation		69								69
Total workyears & personnel compensation	14	982		251	2	205			16	1,438
Personnel benefits		184		68		56				308
Travel & transport of persons		50				15			65	5
Transportation of things		5								5
GSA Rent		205				75			280	
Comm., rent, & utilities		54				25			79	
Printing		8							8	
Other miscellaneous services		123				30			173	
Supplies & materials		12							12	
Equipment		10							10	
Total, workyears & obligations changes requested, 1996	14	1,633		319	2	426			16	2,378

General Administration
Salaries and Expenses
1998 Priority Ranking

BASE PROGRAM	
Program	Ranking
Department Leadership	1
Intelligence Policy/Professional Responsibility	2
Justice Management Division	3
Executive Support	4

PROGRAM INCREASES	
Program	Ranking
Intelligence Policy/Professional Responsibility	1
Department Leadership	2
Executive Support	3

General Administration
Salaries and Expenses
Detail of Personnel Positions by Category
Fiscal Years 1966-1968

Category	1966		1967		1968	
	Authorized	Reimbursable	Authorized	Reimbursable	Authorized	Reimbursable
Attorneys (600)	122	16	126	13	130	13
Paralegals (605)	12	16	12	16	13	16
Other Legal & Related (600-605)	2	—	2	—	4	—
Gen. Admin./Clerical (200-300)	142	20	142	16	144	18
Information and Arts (1000-1005)	37	—	37	—	37	—
Business & Industry (1100-1199)	24	7	24	7	24	7
Security Specialists (600)	67	7	67	7	67	7
Personnel Management (200-299)	64	—	64	—	64	—
Accounting/Budget (500-599)	76	5	76	12	76	12
Library (1400-1499)	36	—	36	—	36	—
Equipment, Facilities, and Service Group (1600-1699)	12	—	12	—	12	—
Supply Group (2000-2999)	19	—	19	—	19	—
Motor Vehicle Operations (8700)	10	2	10	2	10	2
Miscellaneous Occupations (910-999)	20	—	20	—	20	—
Total	627	72	633	76	649	76
Washington U.S. Post	627	70	633	72	649	73
Total	627	72	633	76	649	76

General Administration
Salaries and Expenses
Summary of Change
(Dollars in Thousands)

	Perm. Pos.	WY	Amount
1997 Appropriation Enacted	633	727	79,373
Adjustments to base:			
Transfers to and from other accounts:			
Drug Testing Initiative Moved to OJP			(4,700)
Increases:			
1998 Pay Raise			1,061
Annualization of 1997 pay raise			348
Within-grade Increases (WIGI)			974
Annualization of Positions and FTE	2		150
Accident Compensation			23
Travel Mileage Allowance Rate			5
Correspondence Management System			257
Investigation / Reinvestigation			3
General Pricing Level Adjustments			84
Spectrum Frequency Management			3
Total, increases	633	729	2,908
1998 Base			77,581
Program Changes	16	16	2,378
1998 Estimate	649	745	79,959

General Administration
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in Thousands)

Transfers To and From Other Accounts:

1. Drug Testing Initiative
Base funding for the drug testing initiative for persons arrested and convicted of Federal offenses moved to the Office of Justice Programs (OJP) (4,700)

Increases

1. 1998 pay raise \$1,061

This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the 1998 President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$1,061,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$835,000 for pay and \$226,000 for benefits)

2. Annualization of 1997 Pay Raise 348

This pay annualization represents first quarter amounts (October through December) of the anticipated 1997 pay increase of 3.0 percent estimated to be effective January 1997. The amount requested \$148,000, represents the pay amounts for three quarters of the year (\$273,000 for compensation and \$75,000 for benefits)

3. Within-Grade Increase (WIGI) 974

This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$767,000 for pay and \$207,000 for benefits

4. Annualization of 4 Additional Positions Approved in 1997 2 150

This provides for the annualization of 4 additional positions provided in 1997 Congressional Action for security enhancements within the Department. This request includes nonrecurring costs for one-time items associated with the increased positions

	Approved 1997 Increases	Annualization Required
Annual salary rate of 4 approved positions	237,796	
less Lapse (50%)	(118,898)	118,898
Net Compensation	118,898	
Associated employee benefits	31,102	31,102
Total costs subject to annualization	150,000	150,000
		12

5	Accident Compensation	23
	This increase reflects the billing provided by the Department of Labor for the actual costs in 1996 of employees' accident compensation, which will be billed in 1998. The 1998 increased cost will be \$21,000	
6	Travel Mileage Allowance Rate	5
	The mileage allowance rate has increased from 30 to 31 cents per mile. An increase of \$5,000 is requested in 1998 to cover this rate adjustment	
7	Correspondence Management System	\$257
	An increase of \$257,000 is required in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. This new system, which provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved recordkeeping, and improved reporting capability, was funded from Working Capital Fund unobligated balances in the past. Since this source of funding is no longer available, another funding source is needed	
8	Investigations / Reinvestigations	3
	Executive Order 10450 "Security Requirements for Government Employees" requires that appointments of each civilian officer or employee in an any department or agency of the Government shall be made subject to investigation. Additional funding is required to cover the costs of additional contractor support needed to ensure timely compliance with this Executive Order. It is critical to accommodate the Department's security requirements by ensuring investigations and reinvestigations are timely initiated on newly appointed civilian officers and employees	
9	General Pricing Level Adjustments	84
	This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.8 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities	
10	Spectrum Frequency Management	3
	Public Law 104-134 authorizes the Secretary of Commerce to charge Federal agencies for spectrum management services. The National Telecommunications and Information Administration estimates that the Department of Justice costs for 1998 will be \$723,000 based on the annual number of frequency assignments. Given the dependence of the Department's law enforcement operations on efficient and dependable frequency management, this funding is necessary to continued operations. Funding of \$3,000 is requested for General Administration	
	Total Increases	2 2,908
	Total Adjustments to Base	2 (1,792)

**General Administration
Salaries and Expenses
Summary of Requirements by Grade and Object Class**

Object Class	1996 Actual		1997 Enacted		1998 Request		Increase/Decrease	
	Wyr.	Amount	Wyr.	Amount	Wyr.	Amount	Wyr.	Amount
11 1 Total workyears & personnel compensation	589	\$36,325	614	\$41,494	630	\$43,996	16	\$2,502
11 3 Other than full-time permanent	43	1,275	38	1,197	40	1,265	2	68
11 5 Other personnel compensation	13	1,182	13	1,392	13	1,471		79
11 8 Special personnel services payments								
Total	645	38,782	665	44,083	683	46,732	18	2,649
Reimbursable workyears								
Full-time permanent	(72)		(75)		(75)		(1)	
Other Object Classes:								
12 0 Personnel benefits		7,197		7,721		8,25		804
21 0 Travel and transportation of persons		995		761		8,0		59
22 0 Transportation of things		1,331		89		84		(7)
23 1 GSA rent		7,117		9,146		9,232		86
23 3 Comm., util., & other misc. charges		2,177		2,264		2,310		46
24 0 Printing and reproduction		567		635		628		(7)
25 1 Advisory and assistance services		303		312		396		84
25 2 Other services		7,608		12,110		8,386		(3,724)
26 0 Supplies and materials		2,542		1,505		1,462		(43)
31 0 Equipment		166		747		1,366		639
Total obligations		68,785		79,373		79,959	18	586
Unobligated balance, start of year		(7,778)		(6,411)		(5,556)		
Unobligated balance, end of year		6,411		5,556		5,895		
Total requirements		67,418		78,518		80,298		
Relation of Obligation to Outlays								
Total obligations		68,785		79,373		79,959		
Obligated balance, start of year		5,220		6,525		10,550		
Obligated balance, end of year		(6,525)		(10,550)		(8,275)		
Outlays		67,480		75,348		82,234		

General Administration
Salaries and Expenses
Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

Grades and Salary Ranges	1996 Actual			1997 Estimate			1998 Estimate			Increase/Decrease		
	Pos & Wn.	Amount	Pos & Wn.	Amount	Pos & Wn.	Amount	Pos & Wn.	Amount	Pos & Wn.	Amount	Pos & Wn.	Amount
Executive Level I, \$144,400	1		1		1		1		1		-	
Executive Level II, \$171,000	1		1		1		1		1		-	
Executive Level III, \$133,100	1		1		1		1		1		-	
Executive Level IV, \$115,700	1		1		1		1		1		-	
Executive Level V, \$108,200	1		1		1		1		1		-	
ES-4, \$112,640	7		7		7		7		7		-	
ES-5, \$117,927	8		8		8		8		8		-	
ES-4, \$111,180	18		18		18		18		18		-	
ES-5, \$115,516	2		2		2		2		2		-	
ES-2, \$102,718	2		2		2		2		2		-	
ES-1, \$97,991	5		5		5		5		5		-	
GS/GM-15, \$73,486 - 93,531	90		90		90		90		90		-	
GS/GM-14, \$62,473 - 81,217	81		81		81		81		81		-	
GS/GM-13, \$52,467 - 68,729	87		87		87		87		87		-	
GS-12, \$45,438 - 57,800	76		76		76		76		76		-	
GS-11, \$39,418 - 49,821	71		71		71		71		71		-	
GS-10, \$33,765 - 43,888	33		33		33		33		33		-	
GS-9, \$30,658 - 39,858	37		37		37		37		37		-	
GS-8, \$27,756 - 36,088	13		13		13		13		13		-	
GS-7, \$25,061 - 32,512	42		42		42		42		42		-	
GS-6, \$22,534 - 29,320	9		9		9		9		9		-	
GS-5, \$20,285 - 26,073	14		14		14		14		14		-	
GS-4, \$18,095 - 23,313	3		3		3		3		3		-	
GS-3, \$16,111 - 20,940	3		3		3		3		3		-	
Ungraded positions	16		16		16		16		16		-	
AD Pay		\$2,593										
Locality Pay												
1997 Pay Rate				\$3,058				3,184				94
1997 Pay Rate - Ungraded positions				1,263				1,351				88
Total	604	37,540	635	42,951	635	42,951	635	42,951	635	42,951	20	2,571
Pay above actual annual rates												
Lapses	(15)	(727)	(21)	(1,043)	(23)	(1,271)	(4)	(227)				
Savings due to lower pay scales for part of year		(483)		(414)		(356)		(356)				58
Net, full-time permanent	579	36,325	614	41,494	610	43,996	16	2,502				
Other full-time permanent												
Part-time permanent	29	867	23	718	24	719	1	41				
Temporary employment	14	408	15	479	16	506	1	27				
Other personnel compensation												
Overtime	13	532	13	766	13	809		43				
Other compensation		650		626		662		36				
Special payroll services payments												
Total, Workforce & personnel compensation	645	38,782	665	44,183	643	46,712	18	2,449				
Average ES Salary		\$107,906		\$109,450		\$111,639						
Average GS/GM Salary		\$50,023		\$51,274		\$52,453						
Average GS/GM Grade		11.3		11.6		11.8						

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Department Leadership
General Administration
Summary of Requirements
(Dollars in thousands)

	1996 as Enacted		1996 Actual		1997 Appropriation		1998 Base		1998 Estimate		Increase/Decrease	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1997 appropriation enacted												
Increases	43	44	\$7,477									
1998 base	43	44	7,860									
Program Changes (See Program Narrative for Details)												
1998 estimate	14	14	1,633									
	57	58	9,493									
Estimate by program												
Department Leadership:												
Attorney General	14	15	\$3,316	14	15	\$3,377	14	15	\$3,429	14	15	\$3,429
Deputy Attorney General	29	29	3,726	29	29	4,100	29	29	4,431	29	29	4,431
Associate Attorney General	2	11	353	2	11	1,310			14	14	1,633	1,633
Total	46	55	7,477	46	54	7,236	43	44	7,860	57	58	9,493
Reimbursable workyears												
Total workyears	55			54			44			58		

**General Administration
Salaries and Expenses
Justification of Program and Performance**
(Dollars in Thousands)

	Department Leadership	Perm	FTE	Amount
	1997 Appropriated Enacted	Est.	44	\$ 7,477
	1998 Base	43	44	7,860
	1998 Estimate	57	58	9,493
	Increase / Decrease	14	14	1,633

BASE PROGRAM DESCRIPTION:

The Department Leadership Program consists of the Office of the Attorney General, the Office of the Deputy Attorney General, and the office of the Associate Attorney General

The general goals and objectives of the Department Leadership Program are:

- To advise the President on Constitutional matters and legal issues involving the execution of the laws of the United States
- To formulate and implement policies and programs that advance the administration of justice in the United States
- To manage the Department of Justice
- To provide executive-level leadership in the continuing war on drugs, combating violent crimes, investigating and prosecuting fraud and other white collar crimes, diminishing prison overcrowding, protecting our Nation's borders, and enforcing environmental and civil rights laws
- To provide executive-level oversight and management of international law enforcement training and assistance, financial institutions, reform, recovery, and enforcement programs, and investigative policy
- To coordinate criminal justice matters with Federal, State, and local law enforcement and criminal justice agencies
- To investigate, process, and make recommendations to the President on candidates for judicial and Justice Department Presidential appointments
- To maintain and supervise the Attorney General's Honor Law Graduate and Attorney Employment program
- To prepare and disseminate an Annual Report to the Congress and the public regarding the programs and accomplishments of the Department of Justice

PROGRAM CHANGES

	Perm Pos	FTE	Amount
Restoration of the Associate's Office	14	14	\$1,633

A program enhancement of 14 positions, 14 FTE, and \$1,633,000 is requested for the restoration of the Office of the Associate Attorney General in 1998. The Department strongly opposed the Congressional action that eliminated this office in 1996. This office is essential to the effective operation of the Department, particularly in view of the dramatic increases in Crime Trust Fund programs, and associated resources, that have been provided to the Department. These additional program have dramatically increased the need for coordination and policy-level oversight. This office provides invaluable assistance to the effective delivery of Departmental services. For these reasons, restoration of this office is requested for 1998.

**Executive Support
General Administration
Summary of Requirements
(Dollars in thousands)**

1997 appropriation enacted	Perm Pos.	WY	Amount
Increases	76	\$9	\$9,312
1998 base	76	\$9	9,770
1998 estimate	76	\$9	10,089
Program Changes (See Program Narrative for Details)			
1997 Appropriation			
Enacted	Pos.	WY	Amount
1998 Actual	Pos.	WY	Amount
1998 Base	Pos.	WY	Amount
1998 Estimate	Pos.	WY	Amount
Increase/Decrease	Pos.	WY	Amount
Estimate by program			
Department Leadership			
Policy Development	35	41	\$4,752
Public Affairs	15	20	1,736
Legislative Affairs	26	29	2,999
Intergovernmental Affairs	76	86	9,487
Total	36	122	
Reimbursable workyears	36		
Total workyears	126		
1998 Base	29	35	\$4,239
1998 Estimate	29	35	\$4,239
Increase/Decrease	15	20	2,038
1998 Base	26	28	3,107
1998 Estimate	26	28	3,107
Increase/Decrease	6	6	683
1998 Base	76	89	9,770
1998 Estimate	76	89	10,089
Increase/Decrease	36		
Total workyears	125		

**General Administration
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)**

	Perm	ETC	Amount
Executive Support	Pos		
1997 Appropriated Enacted	76	89	\$ 9,312
1998 Base	76	89	9,770
1998 Estimate	76	89	10,089
Increase / Decrease	...	...	319

BASE PROGRAM DESCRIPTION:

The Executive Support program consists of the Offices of Policy Development (OPD), Public Affairs (OPA), Legislative Affairs (OLA), and Intergovernmental Affairs (IGA). These offices are responsible for serving as the liaison between the Department and Congress, coordinating Department and Administration policy initiatives in the areas of civil and criminal justice, and ensuring that the public and the news media are kept informed about the activities and policies of the Department, the Attorney General, and the Administration in the fields of law enforcement and legal affairs.

The general goals and objectives of the Executive Support Program are:

- To improve the Department's effectiveness in providing substantive and timely input on the Administration's law enforcement initiatives as well as other legislative proposals affecting Department responsibilities
- To improve the process of reviewing and clearing through the Department legislative proposals initiated by other agencies within the Administration
- To maintain an efficient and responsive legal/law liaison service operation
- To handle the processing of judicial and other nominations efficiently and responsively
- To provide support in advancing the Administration's overall legislative agenda
- To assure policy consistency and coordination of Departmental initiatives, briefing materials, and policy statements
- To disseminate timely, accurate information about the Department, the Attorney General and the Administration's law enforcement priorities, policies and activities to the news media and the general public
- To enhance and promote the enforcement goals of the Department through distribution of news releases, coordinating press conferences and telephone and video conferences announcing indictments, settlements, and statements on civil rights, environment, criminal, anti-trust, and other Department enforcement activities

To ensure that all applicable laws, regulations and policies involving the release of information to the public are followed so that material is not made public that might jeopardize investigations and prosecutions, violate rights of defendants or potential defendants or compromise national security interests

PROGRAM CHANGES

Perm Pos.	FTE	Amount
...	...	\$ 319

OPA to Fund Function at Current FTE Levels

OPA reflects a program change of \$319,000. OPA acknowledges that it has adequate positions and FTE, but is deficient in funding to support these levels. The amount requested is necessary to allow OPA to fully fund its function and mission at its current position and FTE levels. The Office of Public Affairs is the principal point of contact for the news media and the public. This office is responsible for ensuring that both the public and the news media are kept informed about the activities and policies of the Department, the Attorney General and the Administration in the fields of law enforcement and legal affairs. OPA prepares and issues news releases and press statements, coordinates press conferences, arranges interviews, responds to inquiries from the media and the public, and reviews and disseminates press clips and other information on media coverage to the Justice Department. This increase will allow OPA to ensure that all applicable laws, regulations and policies involving the release of information to the public continue to be followed so that material is not made public that might jeopardize investigations and prosecutions, violate rights of defendants or potential defendants or compromise national security interests. OPA must be able to react and respond at a moment's notice to events of the day, often stretching administrative resources to the limit.

**Intelligence Policy and Professional Responsibility
General Administration
Summary of Requirements
(Dollars in thousands)**

	1997 Appropriation enacted Increases		1998 Base		Program Changes (See Program Narrative for Details) 1998 estimate		1997 Appropriation Enacted		1998 Actual		1998 as Enacted		1998 Estimate		Increase/Decrease		Perm Fy 62	Fy 62	Amount
	Fy	WY	Fy	WY	Fy	WY	Fy	WY	Fy	WY	Fy	WY	Fy	WY	Fy	WY			
1997 appropriation enacted																			\$7,680
Increases																			1,827
1998 base																			7,827
Program Changes (See Program Narrative for Details)																			426
1998 estimate																			8,253
Estimate by program																			
Intelligence Policy and Professional Responsibility																			
Intelligence Policy and Review																			
Professional Responsibility																			
Total																			
Reimbursable workyears																			
Total workyears																			

General Administration Salaries and Expenses Justification of Program and Performance (Dollars in Thousands)			
Intelligence Policy and Professional Responsibility		Perm. Pos.	EIT Amount
1997 Appropriated Enacted		62	\$7,660
1998 Base		62	7,827
1998 Estimate		64	8,253
Increase / Decrease		2	426

BASE PROGRAM DESCRIPTION:

The Intelligence Policy and Professional Responsibility Program consists of the Offices of Intelligence Policy and Review, and Professional Responsibility. These Offices are responsible for assisting the Attorney General and other senior Department and Executive Branch officials in ensuring that the national security-related activities of the United States are consistent with relevant law, and overseeing the investigation of allegations of criminal and ethical misconduct by the Department's attorneys, criminal investigators, or other law enforcement personnel.

The general goals and objectives of the Intelligence Policy and Professional Responsibility Program are:

- To provide legal advice concerning intelligence and national security matters to the Attorney General and to other Executive Branch officials
- To participate in the development of legal aspects of national security and intelligence policy
- To prepare FBI and other applications for intelligence searches and surveillance and approve other counterintelligence investigative activities
- To represent intelligence agencies as legal counsel before the United States Foreign Intelligence Surveillance Court.
- To participate in pre-trial litigation involving the Foreign Intelligence Surveillance Act in criminal prosecutions for espionage and international terrorism.
- To maintain liaison with the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence to ensure they are apprised of Departmental views on national security and intelligence policy and are appropriately informed regarding operational intelligence and counterintelligence activities
- To improve and refine the Department-wide reporting system in which allegations of criminal or administrative misconduct against Department employees are reported, investigated and monitored

To conduct, oversee, and coordinate all internal investigations of serious allegations concerning the conduct of Department personnel that may be in violation of law, Department regulations or orders, or applicable standards of conduct, and which affects the Department's ability to investigate, litigate, or prosecute

- Please note that the objectives of the Office of Professional Responsibility (OPR) are different from the Office of the Inspector General (OIG) in that OPR focuses on investigations concerning allegations of misconduct which affect the ability of the Department to investigate, litigate, or prosecute, while the OIG focuses its investigations on allegations of waste and abuse, and other matters which do not implicate the ability of the Department to investigate, litigate, or prosecute

PROGRAM CHANGES

	Perm Pos.	FTE	Amount
Increased Staffing for OPR	2	2	426

To enable OPR to wholly and successfully fulfil its mission, OPR has requested two positions, two FTE, and \$426,000 in funding for the hiring of a GS-15/10 attorney and an additional support staff person. The funding requested includes salary, benefits, travel, space, and other miscellaneous costs necessary to fund both new and existing staff. The increase to OPR will allow for continued, rapid investigations of attorney misconduct in the Department. A quicker OPR response to allegations of misconduct would serve as a much more effective deterrent to those prosecutors who would abuse their authority. Moreover, the allegations themselves bring the integrity of the judicial system into question regardless of their merit, and the public's confidence in the Department can be more swiftly restored if allegations do not appear to languish.

1997 appropriation enacted
Increases
1998 base

Program Changes (See Program Narrative for Details)
1998 estimate

	1996 as Fianced		1996 Actual		1997 Appropriation		1998 Base		1998 Estimate		Increase/Decrease	
	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount
Estimate by program												
Justice Management Division	459	459	47,958	459	447	47,085	452	457	50,204	452	459	52,124
Reimbursable workyears	33		33				39		39		39	
Total workyears	492		480				496		498		498	

General Administration
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)

Justice Management Division	Perm		FTE	Amount
	Pos.			
1997 Appropriated Enacted	452	457	850	204
1998 Base	452	459	52	124
1998 Estimate	452	459	52	124
Increase / Decrease	...	...	...	...

BASE PROGRAM DESCRIPTION:

The Justice Management Division provides advice to senior DOJ officials and develops departmental policies in the areas of management and administration, ensures compliance by DOJ components with departmental and other Federal policies and regulations, and provides a full range of management and administrative support services

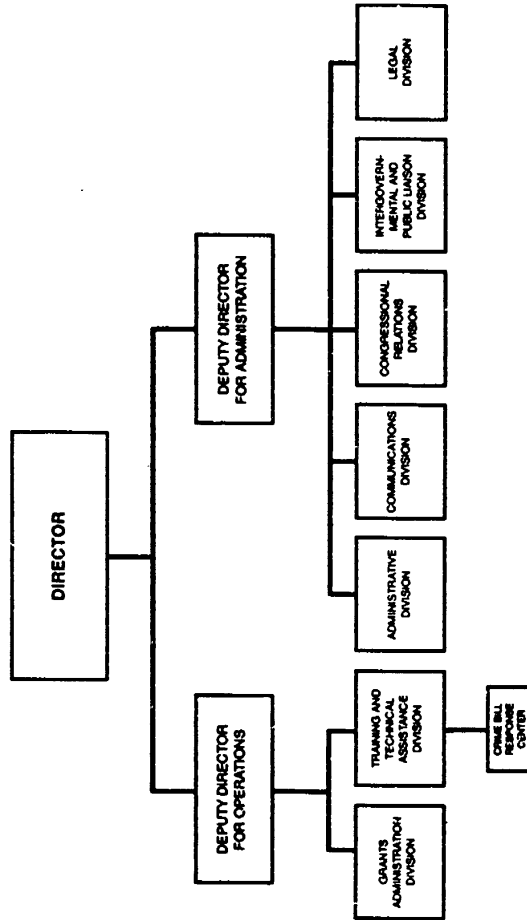
The general goals and objectives of the Justice Management Division are:

- To effectively establish Department policy, advise the Department leadership, and represent the Department on all matters pertaining to its organization, management, and administration
- To acquire quality, cost-effective automated systems and products that meet user needs and to manage and provide support for those systems
- To secure sufficient resources through budget and procurement processes and to ensure sound fiscal management of those resources
- To recruit, train, and retain a high quality workforce, provide safe, accessible, and environmentally sound work space, and promote workplace policies that contribute to employee effectiveness and satisfaction
- To increase the number of women and minority hires in key occupations and ensure the timely adjudication of EEO complaints

Department of Justice
Community Oriented Policing Services
Estimates for Fiscal Year 1998
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OFFICE OF COMMUNITY ORIENTED POLICING SERVICES



Approved by:  Date: 9/2/96
 JANET RENO
 Attorney General

**Community Oriented Policing Strikes
Salaries and Expenses
Summary Statement
Fiscal Year 1998**

The Office of Community Oriented Policing Services (COPS) is requesting, for 1998, a total of \$1,545,000,000, 329 positions, and 286 workyears. This request represents an increase of \$125,000,000, 143 positions, and 112 workyears over the 1997 enacted level.

The Violent Crime Control and Law Enforcement Act of 1994 established a six year program to place 100,000 new police officers and sheriffs' deputies on the street to work with citizens to fight crime. The COPS program serves as a critical component of the Administration's strategy to fight violent crime by assisting in the promotion of community policing in areas burdened with problems of drug use and crime, and by supporting local efforts to reduce crime and violence and improve significantly the quality of life in neighborhoods and communities throughout the Nation.

The COPS program includes six budget activities: Public Safety and Community Policing Grants, Police Corps, Law Enforcement Scholarship Program, Police Recruitment Grants, Prosecutorial Initiatives, Targeting Gang Crime and Violent Juveniles, and Management and Administration. The primary initiatives and resource requests for these activities are summarized below.

The Public Safety and Community Policing Grants program provides resources to State, local, and Indian tribal governments to put additional cops on the beat to make our streets safe from crime and violence. This program also provides resources to local law enforcement agencies to design and implement innovative and comprehensive programs to target persistent public safety problems. COPS funds a nationwide program of training and technical assistance to support the implementation of community policing, and a research and evaluation agenda to identify successful community policing approaches to reducing drug-related and other violent crimes. A total of \$1,400,000,000 is requested for the Public Safety and Community Policing Grants program in 1998. This total includes \$1,371,865,000 for the Public Safety and Community Policing Grants program, and 309 positions, 276 workyears, and \$28,135,000 for Management and Administration support.

The Police Corps program will increase the number of police with advanced education and training, and provide educational assistance to students who possess a sincere interest in public service in the form of law enforcement. The program, which requires a four year service obligation by scholarship recipients, is expected to provide the necessary incentives to attract and retain young men and women to a career in law enforcement. A total of \$20,000,000 is requested for this program in 1998.

The Law Enforcement Scholarship Program would enable individuals to receive scholarship grants while employed as police officers. This program, like the previously successful Law Enforcement Education Program, would allow police to increase their educational opportunities, and is critical to enhancing State and local law enforcement recruitment, retention, and education. A total of \$20,000,000 is requested to establish and implement this program in 1998.

The Police Recruitment Grants program is designed to recruit and retain applicants to police departments. The program would provide recruiting services, which include tutorial programs to enable individuals to meet police force academic requirements and to pass entrance examinations; counseling for police

applicants who may encounter problems throughout the application process, and retention services to assist individuals to stay in the application process of a police department. A total of \$5,000,000 is requested to establish and implement this program in 1998.

The Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles program is designed to provide grants directly to prosecutorial offices for at least 1,000 new initiatives to target gangs, gang violence, and other violent juvenile crime. When necessary for the implementation of this program, funds may be used to hire gang prosecutors, buy technology and equipment, and state of the art training. This program will help facilitate the cooperation and coordination of prosecutors and police with school officials, probation officers, youth and social service professionals, and community members in the effort to reduce the incidence of gang activity and violent juvenile crime, increase proactive identification of high risk youth, and speed the prosecution of violent juvenile offenders. The prosecutorial offices, through these partnerships, will identify high risk juveniles and law enforcement services, resources and referrals, and alternative activities in the interest of reducing gang-related and violent juvenile crime. A total of \$100,000,000 is requested to establish and implement this program in 1998. This total includes \$95,000,000 for the Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles program, and 20 positions, 10 workyears, and \$5,000,000 for Management and Administration support.

A total of 329 positions, 286 workyears, and \$33,135,000 is requested for Management and Administration to support these programs. This total includes 88 positions and 88 workyears to support grant accounting services performed by the Office of Justice Programs, Office of the Comptroller, for COPS grantees, and 20 positions, 10 workyears, and \$5,000,000 to implement the Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles program.

**Community-Oriented Policing Services
Salaries and Expenses**
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.]

Salaries and Expenses

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 (the 1994 Act), (including administrative costs) \$1,545,000,000. This amount is derived from the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, Section 101, which authorized that the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That not to exceed [1997] permanent positions and 1753 full-time equivalent workers and \$39,800,000 shall be expended for program management and administration. [The amount for administrative costs shall be \$1,545,000,000.] Activities authorized by the 1994 Act, \$20,000,000 for the Police and Service Act, title I, section 201, 200113 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), \$20,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

(P.L. 104-208; Violent Crime Control and Law Enforcement Act, 1994, 110 Stat. 3009; Department of Justice Appropriations Act, 1997.)

Explanation of changes

1. No substantive changes are proposed.

**Community Oriented Policing Services
Salaries and Expenses
Crosswalk of 1997 Changes
(Dollars in thousands)**

	1997 President's Budget Request		Congressional Appropriation Action on 1997 Request		Reprogrammings		1997 Enacted	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
1. Public Safety and Community Policing Grants	...	\$1,920,815	...	\$540,615	...	...	...	\$1,380,200
2. Police Corps	...	15,000	...	5,000	...	...	...	20,000
3. Law Enforcement Scholarship Program	...	10,000	...	-10,000	...	...	...	...
4. Police Recruitment Grants	...	1,155	...	-1,155	...	...	...	...
5. Management and Administration	310	288	124	-114	...	...	186	174
Total	310	288	124	-114	...	...	186	174

Congressional Appropriation Action on 1997 Request. Congress did not fund \$540,615,000 for the Public Safety and Community Policing Grants program, \$10,000,000 for the Law Enforcement Scholarship program, \$1,155,000 for the Police Recruitment Grants program, and 124 positions, 114 workyears, and \$9,385,000 for management and administration. Congress provided an additional \$5,000,000 for the Police Corps program.

Adjustments to base:	Perm. Work Est. years	Amount
1997 Enacted	186	11,420,000
Increase (domestic, non-policy)		
Management and Administration		
Domestic (non-policy)		
Domestic Safety and Community Policing Grants		
1998 Base	186	14,200,000
Decrease (domestic, non-policy)		
Domestic Safety and Community Policing Grants		
Program changes (see program narrative for details)		
1998 Estimate	141	111,000
	379	3,545,000

Estimates by Budget Activity		1996 Actual		1997 Actual		1998 Actual		1999 Actual		1999 Estimate		1999 Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.
1 Public Safety and Community Policing Grants		\$1,215,118		\$1,290,000		\$1,180,000		\$1,152,045		\$1,171,805		\$1,182,000	
2 Law Enforcement Training Program		10,000				20,000		20,000		20,000		20,000	
3 Law Enforcement Scholarship Program													
4 Police Recruitment Grants													
5 Professional-Initiative Targeting Gang Crime													
6 Professional-Initiative Targeting Gang Crime													
7 Management and Administration													
Total	130	130	14,902	120	113	14,222	186	174	19,800	186	186	20,553	91,000
	140	140	3,980	120	111	1,049,911	186	174	1,420,000	186	186	1,420,000	121,000
Emblematic Work years	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Work years	140	140		111		174		186		186		246	100
Other work years													
Other work years	2	2		3		4		4		5		5	1
Total comparable work years	142	142		116		178		190		291		291	101

11 Funds to support Management and Administration is derived from the total appropriation and therefore does not change the amount of direct base funding requested.

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**Community Oriented Policing Services
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)**

Collections by Source	1996 Actual		1997 Estimate		1998 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Office for Victims of Crimes, Office of Justice Programs								
Executive Office for U.S. Attorneys.....		\$20		\$98				
Budgetary Resources.....		20		98				
Obligations by Program								
Full Faith and Credit Implementation Project.....		20		98				
Management and Administration								
Total		20		98				

The reimbursement from the Office for Victims of Crimes, Office of Justice Programs, is to implement the Full Faith and Credit provisions of the 1994 Violence against Women Act. The reimbursement from the Executive Office for U.S. Attorneys is to reimburse CJOPS for salary and benefit costs for one position while on temporary duty detail.

Community Oriented Policing Services
Salaries and Expenses
Program Performance Information
Government Performance and Results Act Requirements

Mission: The Office of Community Oriented Policing Services (COPS) is dedicated, through partnerships with communities, policing, and other public and private organizations, to the goal of improving significantly the quality of life in neighborhoods and communities throughout the Nation.

This goal will be accomplished by translating the concept of community policing into practice and action in order to reduce levels of violence, crime and disorder through the application of proven, effective programs and strategies. The needs of customers will be met through innovation and responsiveness. The workplace environment will encourage creativity, open communication, full participation, and problem solving.

Finally, these responsibilities will be carried out through a set of core values that reflect the commitment to the highest standard of excellence and integrity in public service. The values we will adhere to are: innovation; effectiveness; flexibility; principle oriented; and service-oriented.

Organizational Goals:

1. Increase America's cops on the beat by 100,000
2. Promote community policing by supporting innovative strategies that foster community partnerships and problem solving.
3. Reinforce partnerships and activities that will permanently sustain community policing.
4. Evaluate and demonstrate the effectiveness of community policing to improve the quality of life by reducing the levels of disorder, violence, and crime in our communities.

**Community Oriented Policing Services
Salaries and Expenses
Program Performance Information**
(Dollars in thousands)

ACTIVITY: PUBLIC SAFETY AND COMMUNITY POLICING GRANTS

	Perm. Pos.	FTE	Amount
Public Safety and Community Policing Grants			
1997 Enacted	\$1,380,200
1998 Base	1,379,447
1998 Estimate	1,371,865
Increase/Decrease	(7,582)

BASE PROGRAM DESCRIPTION: The Public Safety and Community Policing Grants decision unit includes three critical program areas: COPS Hiring Program, COPS Innovative Programs, and COPS Training, Technical Assistance, and Evaluation.

BASE PROGRAM DESCRIPTION: COPS Hiring Programs. The general goal of COPS Hiring Programs is to design, implement, and support discretionary grant programs that provide 100,000 additional police officers and sheriff's deputies to communities throughout America. Under the authorizing statute, at least 85% of the funds available are to be applied to grants for the hiring, rehiring and redeployment of officers through procuring of related equipment and technology, civilian hiring, or the payment of overtime. For FY 1998, a total of \$1,338,064,000 (\$1.4 billion less amount allocated for Management and Administration and Training, Technical Assistance, and Evaluation) in base funding would support COPS Hiring Programs.

FY 1995 Goal: To provide funding to support the hiring of approximately 20,000 new officers to participate in community policing.

- As a primary activity, the Office of Community Oriented Policing Services provides competitive grants to states and localities to hire and rehire law enforcement officers. Officers hired under these grants are to participate in community policing to combat crime and improve the quality of life in the Nation's cities, towns and rural areas. At least 85% of the total grant program funds must be used for this purpose. Throughout the authorized life of this program, the COPS Office seeks to support the hiring of an additional 100,000 law enforcement officers, thereby increasing the number of cops on the beat by almost 17% over 1994 levels by the end of FY 2000. In FY 1994 the Department of Justice funded 2,020 officers under the

Police Hiring Supplement. In FY 1995, COPS funded a total of 23,871 additional police officers and sheriff's deputies by the end of the fiscal year. An estimated cumulative total of 25,891 additional officers were funded at the end of FY 1995.

- Five phases of funding achieved this goal. Each provided Federal funds not exceeding 75% of the total costs of the program or activity funded, unless waived. Hiring grants were made up to 75% of the salary and benefit costs of each officer over three years, not to exceed \$75,000 per officer. The five phases were

- 1) COPS Phase I (funding of 392 agencies from previous applications under the Police Hiring Supplement). COPS Phase I provided \$200 million in funding to 392 jurisdictions that had previously applied under the Police Hiring Supplement Program. Grants supported the hiring or rehiring of 2,700 law enforcement officers. Grantees, as announced in October 1994, have hired and deployed over 1,600 officers to date.
- 2) COPS AHEAD (Accelerated Hiring, Education, and Deployment) program for jurisdictions serving 50,000 or more in population. COPS AHEAD was announced in October 1994 to permit interested agencies to begin recruiting and hiring new officers prior to submission and approval of a formal grant application. Six hundred and thirty-two jurisdictions were given authorization on December 18, 1994 to hire up to 2.5% of their October 1 sworn force level. Over 500 of the agencies formally applied and received funding to continue their plans to deploy over 4,000 officers into community policing activities. Approximately \$294 million of FY 1995 program dollars was dedicated to funding the three-year COPS AHEAD grants.
- 3) COPS FAST (Funding Accelerated for Smaller Towns) program for jurisdictions fewer than 50,000 in population. COPS FAST was announced in November 1994 as a hiring grant program targeted at police agencies serving populations under 50,000. Over 7,000 one-page applications were received by the December 31, 1994 deadline. On February 8, 1995, 6,660 jurisdictions were selected to receive COPS FAST funding, supporting over 7,000 officers for \$410 million.
- 4) COPS MORE (Making Officer Redeployment Effective) program. COPS MORE was announced in December 1994 as a program designed to expand the time available for community policing by current law enforcement officers, rather than funding the hiring or rehiring of additional law enforcement officers. These grants were used to purchase equipment and technology, to procure support resources (including civilian personnel), and to pay overtime. The authorizing statute permits up to 20% of hiring grant funds to be used for these purposes in FY 1995 and FY 1996. Applicants were required to demonstrate how funds will result in actual increases in the number of officers deployed in community policing equal to, or greater than, the number of officers which would result from grants of the same amount for hiring new officers. Over 2,200 applications were reviewed. Grants were announced through 1995 and 1996.
- 5) COPS Universal Hiring program. The COPS Universal Hiring Program was announced in June 1995. This program is open to all policing agencies and to applicants seeking to start a new department. There are no population restrictions. It is anticipated that Universal Hiring will

be an ongoing program, with multiple application deadlines and funding rounds into future years. Current COPS grantees will be contacted separately as they will not be required to submit a full application again.

FY 1996-98 Goals: To support the continued hiring of police officers toward the goal of funding an additional 100,000 police officers by the end of FY 2000. In FY 1996, COPS funded a total of 23,776 additional police officers and sheriff's deputies by the end of the fiscal year. The COPS Office funded an estimated cumulative total of 49,667 additional officers by the end of FY 1996. The COPS Office will fund a cumulative total of approximately 64,000 additional police officers and sheriff's deputies by the end of FY 1997. The FY 1998 request level would fund an estimated 17,000 additional officers in FY 1998.

- The COPS Office will continue the Universal Hiring program as its primary hiring grant mechanism. The Universal Hiring program includes applications submitted by agencies or communities not currently COPS grantees, as well as current COPS grantees seeking additional resources. In the latter cases, the COPS Office will rely upon the previously submitted Community Policing Plans as application materials. The Universal Hiring program will provide Federal funds not exceeding 75% of the total costs of the program or activity funded, unless a waiver is approved. For hiring, grants are made for up to 75% of the salary and benefit costs of each officer over three years, not to exceed \$75,000 per officer. The COPS Office also plans to fund additional COPS MORE applications.

BASE PROGRAM DESCRIPTION: COPS Innovative Programs. The general goal of COPS Innovative Programs is to design and implement programs that support innovative strategies and encourage policing agencies and communities to address public safety issues through partnerships using problem-solving strategies. Under the authorizing statute, up to 15 % of the funds available may be applied to other grants in support of the purposes of the Public Safety Partnership and Community Policing Grants program.

Goal: Provide support to agencies which either are fully engaged in or transitioning to community policing to:

- engage in focused problem-oriented policing and work in partnership with community members,
- undergo major changes in the organization in support of community policing,
- develop community policing training, and
- serve as community policing centers or demonstration sites.

In FY 1995, the COPS Office implemented this goal through several grantmaking strategies. Grants were made for a period of one year, with a possibility for renewal.

- **Comprehensive Communities Program (CCP).** The CCP seeks to encourage the development and implementation of comprehensive crime control and crime prevention strategies by communities faced with high rates of violent and drug-related crime. The two principles of the CCP are: 1) that communities must take a leadership role in developing partnerships to combat crime and violence, and 2) that state and local jurisdictions must establish truly coordinated and multi-disciplinary approaches to address crime- and violence-related problems, as well as the conditions which foster them. Strategies may be developed by communities and private agencies, and efforts made that would encourage citizens to take an active role in addressing crime-related problems.

Sixteen jurisdictions were awarded CCP grants by the Bureau of Justice Assistance (BJA). Award amounts range from \$1.5 million to \$2.2 million. Subsequently, the COPS Office entered into a Memorandum of Understanding with BJA to fund the community policing component in the following 10 CCP sites: Boston, MA; Wichita, KS; Seattle, WA; Fort Worth, TX; East Bay, CA; Columbia, SC; Washington, D.C.; Wilmington, DE; Phoenix, AZ; and Omaha, NE.

- **Youth Firearms Initiative** Under this grant program, the COPS Office funded ten jurisdictions to reduce the use of firearms among juveniles through community policing strategies. Enforcement, prevention, and suppression tactics are being implemented by these ten sites.
- **Community Policing Demonstration Projects** This program area includes support for continuation of a series of Community Policing Demonstration projects originally developed by BJA. Fifteen law enforcement agencies across the country were selected by BJA as demonstration sites based upon their progress in implementing community oriented policing in their jurisdictions. The COPS Office is supporting these projects starting with their second year of funding. The lessons learned from these sites in the implementation and further development of community-oriented policing will provide timely and useful information to policy makers and practitioners nationwide who are considering initiating or further refining community policing in their own jurisdictions.
- **Community Policing Initiatives Focused on Empowerment Zones** The COPS Office in partnership with the Office of Juvenile Justice and Delinquency Prevention and the Community Relations Service, are working together to develop and field-test a youth-oriented community policing demonstration within urban Empowerment Zones. The goal of the program is to assist these jurisdictions in choosing from a menu of effective police-youth program strategies for implementation. COPS technical assistance and training resources, coordinated with COPS grant monies, can be used to create a package designed to help jurisdictions assess delinquency prevention and control needs, and either select strategies that have worked in similarly-situated jurisdictions to meet similar needs or design innovative approaches to meet local needs.
- **Community Policing to Combat Domestic Violence** This program, announced in September 1995, focuses on training, problem-solving, and changing police organizations to reduce domestic violence across the country.

In FY 1996, limited funding was made available to support the following

- **COPS Anti-Gang Initiative** Building on the Youth Firearms Initiative, the COPS Office will fund fifteen jurisdictions to establish and expand innovative policing efforts directed against criminal gangs.
- **Problem Solving Partnerships** This grant program would provide support for agencies to address a specific local problem using systematic problem-solving techniques. Agencies would be asked to identify a specific problem and to develop a strategy for resolving that problem. Problem-solving projects focusing on domestic violence, gangs, drugs, youth/juveniles, violence, firearms reduction efforts, schools, and public housing will be encouraged. Support would be provided for equipment and resources used to address that specific problem. The program will also emphasize the development of partnerships with community organizations.

- **NIJ-COPS Technology Initiative** Working in collaboration with the National Institute of Justice (NIJ), the COPS Office plans to fund research and development efforts to support the application of cutting-edge communications and other technology to make officers on the beat more effective and efficient.
- **Community Policing to Combat Domestic Violence** Due to the overwhelming response to this solicitation, additional FY 1996 funds were allocated to award grants.
- **A pilot project in Baltimore, Maryland** was funded to test the efficacy of a nonemergency telephone number for police communications.

Under the terms of the Department of Justice Appropriations Act, 1997, except to the extent that limited carryover funding is utilized for innovative programs pursuant to reprogramming provisions, no funding may be directed toward innovative programs. A reprogramming has been requested to fund the pending Problem Solving Partnerships applications submitted in FY 1996 and to support solicitations for proposals under an Advancing Community Policing initiative. This initiative will attempt to provide law enforcement organizations with the resources to facilitate organizational change and promote improved leadership, change organizational culture and behavior, modify organizational structures, enhance research and planning, and re-engineering. In addition, this solicitation will establish community policing centers.

BASIC PROGRAM DESCRIPTION COPS Training, Technical Assistance, and Evaluation. The general goal of COPS Training, Technical Assistance, and Evaluation is to design, implement and support programs that reinforce partnerships and activities in deliver training and technical assistance that will permanently sustain community policing by integrating community partnerships and problem-solving into regional, State, local, and Indian tribal police and community groups and activities, and to perform and promote evaluations of various community policing strategies to determine their effectiveness. Under the authorizing statute, up to 1% of the funds available may be used for technical assistance and evaluation, and other studies. For FY 1998, a total of \$41,383,000 (3% of the total base, less the amount allocated for Management and Administration) is being funding would be available for COPS Training, Technical Assistance, and Evaluation.

FY 1995 Goal Identify the training and technical assistance needs of COPS grantees and begin to address these needs by providing grant specific training and technical assistance. Initiate systematic evaluation activities and other studies in support of the grant funded activities.

- As part of the application and grant process, the COPS Office collected information which is being used to determine the training and technical assistance needs in a systematic way. Based on this information, COPS staff are providing limited technical assistance and working with various organizations to devise training material for use by current COPS grantees. In addition, preliminary technical assistance written comments are being provided to specific COPS AHA grantees.
- In FY 1995, the COPS Office entered into a Cooperative Agreement with the Community Policing Consortium (CPC). The CPC was established and funded by the Bureau of Justice Assistance, and is a joint effort of the International Association of Chiefs of Police, the Police Foundation, the Police Executive Research Forum, the National Sheriffs' Association, and the National Organization of Black Law Enforcement Executives. Under the FY 1995 Cooperative Agreement, the CPC will provide a baseline level of information about community policing through the dissemination of newsletters,

monographs, and access to referral and electronic information to all COPS grantees. Opportunities to attend State and regional training, and site-specific technical assistance, will be offered to smaller subsets of the population of COPS grantees.

- The COPS Office, through an interagency agreement with the Executive Office for United States Attorneys, provided funding for 63 district-level training and technical assistance projects, designed and administered by the Law Enforcement Coordinating Committees in those districts.
- Through a total of \$14.8 million in interagency agreements with the National Institute of Justice, a comprehensive national evaluation of the implementation and impact of the COPS program was initiated, along with a series of focused and local evaluation, research initiatives focused on the successful implementation of community policing, and innovative research partnerships between police agencies and local academic institutions.
- Under this program area, COPS staff concentrated on the development of training curriculum and the delivery of training at all levels within law enforcement agencies. This included training for recruits, in-service patrol officers, supervisors, mid-level managers, command staff, and the community. National assessments of training will be undertaken to determine the nature and scope of training with regard to community policing. Eventually, grants or contracts may be made to State and local training academies, universities, and law enforcement agencies for the modification of curricula to focus on community policing and for the delivery of such training. Adapted training curricula should be developed for urban police, county sheriffs, rural police, special groups (transit police, campus police, public housing, and others), Indian reservations, and State police.
- In addition, a total of \$15 million in reimbursement has been provided from the U.S. Department of Defense to implement the Troops to COPS program. The Troops to COPS program, developed in partnership with the U.S. Department of Defense, provides up to \$5,000 per officer for community policing training for those COPS-funded officers who are honorably discharged veterans. This program is designed to be an incentive for COPS grantees to use their hiring grant funds to hire honorably discharged veterans. In addition, it promotes specialized community policing training. A total of 261 grants to current COPS grantees were made to support the training of 512 qualifying veterans.

EX.L996-98 Goal: Continue to provide quality training and technical assistance to enable COPS grantees to successfully transition to and sustain community policing. Perform research and evaluations of community policing strategies.

- The COPS Office, through its Training and Technical Assistance staff and through grants and cooperative agreements to service providers, will seek to provide all COPS grantees with timely and appropriate assistance to achieve a successful transition to agency-wide community policing, and to sustain and support the community policing approaches over the long-term following conclusion of Federal support. It is likely that needs assessments and other feedback will lead to year-by-year shifts of the emphasis of training and technical assistance activities. For instance, the preponderance of FY 1995 assistance focused on the basics of community policing for agencies that had no previous exposure to the subject. In FY 1996-98, the emphasis will shift to more "advanced" subjects, such as managing organizational change and strategic planning. The COPS Office also will continue to focus on supporting the organizations and agencies located throughout the country that will provide this type of support over the long-term.
- Targeted training and technical assistance grants and cooperative agreements will continue to be implemented during FY 1997. These projects will focus on adaptation of training curricula, technological innovation in training delivery, and community partnership-building.

- Perform evaluations of community policing strategies. The COPS Office will conduct descriptive assessments of tactics, strategies, and structures that form the elements of community policing. These evaluations will use the following types of data:

- crimes reported to police, including violent offenses;
- information on victims of crime; and
- citizen surveys to determine the effects of community policing on perceptions of fear, improvements in the quality of life, and satisfaction with police services.

A wide variety of program elements will also be evaluated, such as various crime prevention efforts, anti-violence programs, public education strategies, and community development efforts--particularly as they related to community policing. Certain field tactics like foot and bike patrols and coordinated civil criminal enforcement need to be assessed.

- Promote evaluations of and research into community policing strategies. The National Institute of Justice will continue to oversee an independent national assessment of the COPS program, concentrating especially on the impact of the 85% of funds designated for putting more officers on the street. It will attempt to assess the total effect that the COPS program has had on the structure and delivery of police services across the nation.

NIJ also will sponsor a wide array of research activities to inform policymaking by the COPS Office, and to make available widely information about state-of-the-art approaches and strategies for community policing.

INITIATIVES

	Perm. Pos.	FTE	Amount
	(\$7,582)

Public Safety and Community Policing Grants

A program decrease of \$7,582,000 is requested for Public Safety and Community Policing Grants in FY 1998. The funding level for Public Safety and Community Policing Grants would total \$1,371,865,000 in FY 1998. The amount requested for Public Safety and Community Policing Grants (\$1,371,865,000), and for Management and Administration (\$28,135,000), would provide a total funding level of \$1,400,000,000. The total requested for Public Safety and Community Policing Grants in FY 1998, \$1,371,865,000 includes up to \$1,330,709,000 for COPS Hiring Grants, and \$41,156,000 for Training, Technical Assistance, and Evaluation.

NAME OF DECISION UNIT: Public Safety and Community Policing Grants									
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Input	COPS HIRING PROGRAMS: <i>Program Development and Processing Grant Awards</i> 1. Number of staff hours dedicated to program development (Programs: AHEAD, FAST; Universal, MORE) 2. Number of staff hours dedicated to review of grant materials and processing of grants (Programs: AHEAD, FAST; Universal, MORE) <i>Monitoring</i> 3. Number of staff hours spent on monitoring activities 4. Number of COPS Office and grant advisor initiated grantee contacts per year Phone Calls Letters Site visits								
			9,593 hours	708 hours	708 hours	588 hours	588 hours		
			39,623 hours	93,222 hours	146,348 hours	87,888 hours	278,172 hours		
			18,600 hours	121,200 hours	21,008 hours	61,933 hours	223,008 hours		
			117,650	390,000	429,000	608,903	928,200		
			21,840	52,000	57,200	81,187	123,760		
			49	4,980	100	1,400	1,800		

NAME OF DECISION UNIT: Public Safety and Community Policing Grants		PERFORMANCE TARGETS AND ACTUAL RESULTS							
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	1998 Actual	1998 Target
Output/ Activity	COPS HIRING PROGRAMS:								
	<i>Program Development and Processing Grant Awards</i>								
	5. Number of applications received and reviewed by COPS staff								
	AHEAD	...	900						
	FAST	...	7,200						
	Universal	...	3,227	6,000	3,125	6,000	6,000		
	MORE	...	2,200	4,000	226	2,500	2,500		
	Total	...	13,527	10,000	3,351	8,500	8,500		
	6. Number of grant awards								
	Phase I	...	362						
	AHEAD	...	507						
	FAST	...	5,869						
	Universal	...	85	5,000	5,000	5,000	5,000		
	MORE	...	415	4,000	1,582	1,000	1,000*		
	(*primarily renewals)								
	Total	...	7,238	9,000	6,582	6,000	6,000		
	7. Total funding level for COPS Hiring Programs, including MORE (in billions)	0.150	1.147	1.380	1.184	1.339	1.331		

NAME OF DECISION UNIT: Public Safety and Community Policing Grants									
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Productivity/ Efficiency	Program Development and Processing Grant Awards								
	10. Applications received per COPS staff hour expended		1.41 application/ hour	14.12 application/ hour	4.73 application/ hour	14.46 application/ hour	14.46 application/ hour		
	11. Grants funded per COPS staff hour expended		0.18 application/ hour	0.10 application/ hour	0.04 application/ hour	0.07 application/ hour	0.02 application/ hour		
	Monitoring								
	12. Monitoring hours per grant		2.57 hours/ grant	13.47 hours/ grant	3.19 hours/ grant	10.32 hours/ grant	37.17 hours/ grant		
	13. Monitoring hours per officer gained		0.72 hours/ officer	2.48 hours/ officer	0.42 hours/ officer	0.89 hours/ officer	2.59 hours/ officer		

<p>A. Definitions of Terms or Explanations for Indicators.</p> <p>The FY 1995 column reflects yearend actual data as of September 30, 1995</p> <p>The FY 1996 column reflects yearend actual data as of September 30, 1996, including FY 1995 carryover and prior year adjustments</p> <p>The FY 1997 column reflects the FY 1997 enacted level.</p> <p>The FY 1998 column reflects the FY 1998 President's Budget Request</p>	<p>B. Factors Affecting FY 96 Program Performance.</p>	<p>C. Factors Affecting Selection of FY 97 and 98 Targets.</p>
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NAME OF DECISION UNIT: Public Safety and Community Policing Grants									
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS						
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Input	<p>COPS INNOVATIVE PROGRAMS:</p> <p><i>Program Development and Processing</i></p> <p>1. Number of staff hours spent in program development and process teams</p> <p><i>Monitoring</i></p> <p>2. Number of staff hours spent monitoring innovative community policing grants</p>								
			3,654 hours	58,500 hours	89,284 hours	53,086 hours	0 hours		
			1,000 hours	78,000 hours	5,252 hours	15,483 hours	55,752 hours		

NAME OF DECISION UNIT: Public Safety and Community Policing Grants									
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS						
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Output/ Activity	COPS INNOVATIVE PROGRAMS:								
	3 Number/funding level (in millions) of applications received Innovative Community Policing Grants Community Policing Centers/Demonstrations Problem Oriented Policing/Partnerships Organizational Change/Community Policing Training Interagency Projects (e.g. CCP, gangs empowerment zones, youth handguns, domestic violence)		40, \$25	700, \$100	719, \$99			100, \$100 903, \$77 300, \$75	
	4 Number/funding level (in millions) of grants processed Innovative Community Policing Grants Community Policing Centers/Demonstrations Problem Oriented Policing/Partnerships Organizational Change/Community Policing Training Interagency Projects (e.g. CCP, gangs empowerment zones, youth handguns, domestic violence)							20, \$20 400, \$41 60, \$15	
			24, \$19	550, \$65	362, \$69				

NAME OF DECISION UNIT: Public Safety and Community Policing Grants									
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Intermediate Outcome	COPS INNOVATIVE PROGRAMS:								
End Outcome									
Productivity/ Efficiency	5. Staff hours expended per application received		91.4 hours/ application	25 hours/ application	55 hours/ application	133 hours/ application			
	6. Staff hours spent monitoring per funded grant		41.7 hours/ grant	37.1 hours/ grant	7.2 hours/ grant	38.5 hours/ grant	656.9 hours/ grant		

A. Definitions of Terms or Explanations for Indicators.	
The FY 1995 column reflects yearend actual data as of September 30, 1995.	
The FY 1996 column reflects yearend actual data as of September 30, 1996, including FY 1995 carryover and prior year adjustments.	
The FY 1997 column reflects the FY 1997 enacted level	
The FY 1998 column reflects the FY 1998 President's Budget Request	
B. Factors Affecting FY 96 Program Performance.	
C. Factors Affecting Selection of FY 97 and 98 Targets.	

NAME OF DECISION UNIT: Public Safety and Community Policing Grants		PERFORMANCE TARGETS AND ACTUAL RESULTS					
Type of Indicator	Performance Indicators	PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS			
		1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
Input	TRAINING AND TECHNICAL ASSISTANCE						
	1 Track percentage of hiring grants special conditioned to receive training		15%	15%	24%	25%	25%
	2 Staff hours dedicated to supporting community policing training through developing and managing Regional Community Policing Institutes		4,800 hours	37,446 hours	6,200 hours	9,398 hours	10,440 hours
	3 Time expended to design and disseminate innovative technical assistance				120 hours	4,698 hours	5,220 hours
	4 Staff time spent developing targeted programs that address strategic training areas			120 hours	416 hours	3,758 hours	4,176 hours
	5 Number of collaborative TAT internal and external partnerships/staff hours		5	10	76	96 (940 hours)	120 (1,044 hours)

NAME OF DECISION UNIT: Public Safety and Community Policing Grants									
Type of Indicator	Performance Indicators	PERFORMANCE TARGETS AND ACTUAL RESULTS							
		1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Output/Activity	Training and Technical Assistance								
	6 Number of technical assistance requirements implemented (demonstrated in progress reports)		75%	85%	78%	85%	90%		
	7 Number of requests for technical assistance and training answered by response center		3,000	3,500	16,499	10,499	18,499		
	8 Number of newsletters and monographs disseminated		15,000	468,000	731,000	735,000	935,000		
	9 Numbers of referrals and electronic information requests		25	500	764	1,000	2,000		
	10 Number of standardized packages of materials developed for guidance and implementation of community policing		3	10	7,000	9,000	11,000		
	11 Number of training services institutionalizing community policing curriculum		25	100	100	250	500		

NAME OF DECISION UNIT: Public Safety and Community Policing Grants		PERFORMANCE TARGETS AND ACTUAL RESULTS					
Indicator		1994 Actual	1995 Actual	1996 Actual	1996 Target	1997 Target	1998 Target
Intermediate Outcome	TRAINING AND TECHNICAL ASSISTANCE						
	12. Number of jurisdictions (participants) attending specialized community policing training		1,200 [2,400]	2,100 [4,000]	2,100 [37,600]	4,200 [75,200]	8,400
	13. Number of training progress reports		5	10	1,100	1,174	1,214
End Outcome	14. Number of jurisdictions requiring community policing training		100	150	150	1,500	7,500
	15. Number of states mandating community policing training		3	10	10	25	50
Productivity/ Efficiency	16. Grants processed by staff hours.		0.24 request/hr	1A14	1/39	1/7.8	1/8.3

<p>A. Definitions of Terms or Explanations for Indicators.</p> <p>The FY 1995 column reflects year end actual data as of September 30, 1995</p> <p>The FY 1996 column reflects year end actual data as of September 30, 1996, including FY 1995 carry over and prior year adjustments.</p> <p>The FY 1997 column reflects the FY 1997 enacted level</p> <p>The FY 1998 column reflects the FY 1998 President's Budget Request</p>	<p>B. Factors Affecting FY 98 Program Performance.</p> <p>In FY 98 focus of training and technical assistance was expanded to provide greater access for COPS grantees. The expansion included greater emphasis on the deliverables provided by the Community Policing Consortium.</p>	<p>C. Factors Affecting Selection of FY 97 and 98 Targets.</p> <p>The development of the community policing institutes in FY97 and FY98 will increase the level of training and technical assistance that will be available for grantees</p>
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ACTIVITY: POLICE CORPS

	Perm. Pos.	FTE	Amount
Police Corps			
1997 Enacted	\$20,000
1998 Base	20,000
1998 Estimate	20,000
Increase/Decrease

BASE PROGRAM DESCRIPTION: The Police Corps program will increase the number of police with advanced education and training, and provide educational assistance to students who possess a sincere interest in public service in the form of law enforcement. The program, which requires a four year service obligation by scholarship recipients, is expected to provide the necessary incentives to attract and retain young men and women to a career in law enforcement. A total of \$20,000,000, the funding level authorized in the VCCA, is requested for the Police Corps program for FY 1998.

EY 1996-98 Goals:

- In FY 1996, pursuant to statute, establish the Office of the Police Corps and Law Enforcement Education
- Establish requirements for State plans for Police Corps participants; regulations to govern the competitive selection of participants; and programs of training for Police Corps participants
- Select participating states and award scholarships to qualifying participants

NAME OF DECISION UNIT: Police Corps		PERFORMANCE TARGETS AND ACTUAL RESULTS					
PERFORMANCE INDICATOR INFORMATION							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1997 Target	1998 Target	
Input	<i>Program Development</i>						
	1. Number of external activities: meetings, hearings, request for comments	--	--	80	40	360	480
	2. Number of staff hours spent in program: development and processing	--	--	200	170	840	960
	3. Number of staff hours spent on reviewing and approving State plans	--	--	160	60	580	640
	4. Number of hours spent on OMB and other reporting requirements	--	--	120	55	300	480
Output/Activity	<i>Monitoring</i>						
	5. Number of staff hours spent monitoring program implementation	--	--	160	48	2,360	2,840
	6. Number of State programs funded	--	--	6	0	12	10
	7. Number of Cadet Scholarships	--	--	260	0	360	560
	8. Number of Dependent Children Scholarships	--	--	18	0	36	48
Intermediate Outcome	9. Number of Training Curricula developed and/or reviewed	--	--	6	0	16	5
	10. Number of Police Corps participants trained	--	--	160	0	360	300
End Outcome	11. Number of Police Corps participants assigned to Police Departments	--	--	0	0	180	360

NAME OF DECISION UNIT: Police Corps									
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS						
Type of Indicator	Performance Indicators		1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	
Productivity/ Efficiency	Grants funded per staff hour (excludes planning and implementation hours)		--	--	26.7 hours/ grant	8 hrs/ grant	196.6 Hours/ grant	280.0 Hours/ grant	
A. Definition of Terms or Explanations for Indicators									
The FY 1995 column reflects year-end actual data as of September 30, 1995. The FY 1996 column reflects year-end actual data as of September 30, 1996, including FY 1995 carryover and prior year adjustments. The FY 1997 column reflects the FY 1997 enacted level. The FY 1998 column reflects the FY 1998 President's Budget Request.									
B. Factors Affecting FY 96 Program Performance									
C. Factors Affecting Selection of FY 97 and 98 Targets									

INITIATIVE

Perma. Pos.	FTE	Amount
...	...	\$20,000

Law Enforcement Scholarship Program

Proposed Actions

As stated in the legislation, the COPS Office will initiate the Law Enforcement Scholarship program to allow individuals to receive scholarship grants while employed as police officers. This program, like the previously successful Law Enforcement Education Program, would allow police to increase their educational opportunities, and is critical to enhancing State and local law enforcement recruitment, retention, and education.

Goal

- The Office of the Police Corps and Law Enforcement Education, in consultation with the Assistant Secretary for Postsecondary Education, will issue rules to implement the State allotment procedures, establish application requirements, and disburse funds to participating States.

A total of \$20,000,000, the funding level authorized in the VCCA, is requested for the Law Enforcement Scholarship Program for FY 1998. These resources would be used to award scholarship grants to individuals who are employed as police officers. This funding level is necessary to enhance State and local law enforcement recruitment, retention, and education.

NAME OF DECISION UNIT: Law Enforcement Scholarship Program		PERFORMANCE TARGETS AND ACTUAL RESULTS							
PERFORMANCE INDICATOR INFORMATION		1994	1995	1996	1997	1998			
Type of Indicator	Performance Indicators	Actual	Actual	Target	Target	Target			
Input	1. Number of staff hours dedicated to the Law Enforcement Scholarship Program	...	80 hours	...	...	5,000			
Output/Activity	2. Number of grant awards	...	...	...	...	106			
Intermediate Outcome		...	...	...	...	...
End Outcome	3. Number of Law Enforcement Scholarship Program participants	...	...	...	...	...
Productivity/Efficiency	4. Grants funded per staff time hour (excludes planning and implementation hours)	...	...	...	...	1 grant/hour			

<p>A. Definitions of Terms or Explanations for Indicators. The FY 1998 column reflects the FY 1998 President's Budget Request.</p>		
<p>B. Factors Affecting FY 98 Program Performance. COPS was not funded for this program in FY 1996.</p>		
<p>C. Factors Affecting Selection of FY 97 and 98 Targets. COPS was not funded for this program in FY 1997.</p>		

INITIATIVE

	Perm. FTEs	FTE	Amount
Police Recruitment Grants	\$5,000

PROPOSED ACTIONS

The Police Recruitment Grants program is designed to recruit and retain applicants to police departments. The program provides recruiting services, which include tutorial programs to enable individuals to meet police force academic requirements and to pass entrance examinations, counseling for police applicants who may encounter problems throughout the application process, and retention services to assist individuals to stay in the application process of a police department.

Goal

- The Office will establish application requirements, promulgate regulations setting forth grant criteria, and award grants to qualified community organizations to assist in meeting the costs of qualified programs which are designed to recruit and retain applicants to police departments.

A total of \$5,000,000, the funding level authorized in the VCCA, is requested for the Police Recruitment Grants program for FY 1998. These resources would be used to fully implement the program, and to provide recruiting, counseling, and retention services to police applicants. These services would assist applicants to meet police force academic requirements, pass entrance examinations, and stay in the application process of a police department.

NAME OF DECISION UNIT: Police Recruitment Grants		PERFORMANCE TARGETS AND ACTUAL RESULTS							
PERFORMANCE INDICATOR INFORMATION		1994		1995		1996		1997	
Type of Indicator	Performance Indicators	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Input	1. Number of staff hours dedicated to the Police Recruitment Grants program	...	...	...	...	...	...	...	2,139
Output/ Activity	2. Number of grant awards	...	...	...	...	...	...	...	100
Intermediate Outcome		...	...	...	...	...	...	...	...
End Outcome	3. Number of Police Recruitment Grants program participants	...	...	...	...	...	...	...	20,000
Productivity/ Efficiency	4. Grants funded per staff time hour (excludes planning and implementation hours)	...	...	...	...	...	...	...	0.34 grant/ hour

A. Definitions of Terms or Explanations for Indicators.
 The FY 1998 column reflects the FY 1998 President's Budget Request

B. Factors Affecting FY 96 Program Performance.
 COPS was not funded for this program in FY 1996.

C. Factors Affecting Selection of FY 97 and 98 Targets.
 COPS was not funded for this program in FY 1997.

INITIATIVE

Perm. Pos.	FTE	Amount
...	...	\$95,000

Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles

Proposed Actions

The Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles program is designed to provide grants directly to prosecutorial offices for at least 1,000 new initiatives to target gangs, gang violence, and other violent juvenile crime. When necessary for the implementation of this program, funds may be used to hire gang prosecutors, buy technology and equipment, and state of the art training.

Goal

- To facilitate the cooperation and coordination of prosecutors and police with school officials, probation officers, youth and social service professionals, and community members in the effort to reduce the incidence of gang activity and violent juvenile crime, increase proactive identification of high-risk youth, and speed the prosecution of violent juvenile offenders. The prosecutorial offices, through these partnerships, will identify high-risk juveniles and law enforcement services, resources and referrals, and alternative activities in the interest of reducing gang-related and violent juvenile crime.

A total of \$100,000,000 is requested for the Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles program for FY 1998. Of this total, \$95,000,000 would fund this grant program, and 20 positions, 10 work years, and \$5,000,000 would provide Management and Administration support. These resources would be used to fully implement the program, and help prosecutorial offices target gangs, gang violence, and other violent juvenile crime.

NAME OF DECISION UNIT: Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles									
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Output/Activity	1. Number/funding level (in millions) of applications received	...	...	...	...	...	1,000/\$100		
	2. Number/funding level (in millions) of initiatives and grants processed	...	...	...	...	...	1,000/\$100		

A. Definitions of Terms or Explanations for Indicators.
The FY 1998 column reflects the FY 1998 President's Budget Request

B. Factors Affecting FY 96 Program Performance.
COPS was not funded for this program in FY 1996.

C. Factors Affecting Selection of FY 97 and 98 Targets.
COPS was not funded for this program in FY 1997.

ACTIVITY: MANAGEMENT AND ADMINISTRATION

	Perm. Pos.	FTE	Amount
Management and Administration			
1997 Enacted	186	174	\$19,800
1998 Base	186	186	20,553
1998 Estimate	329	286	33,135
Increase/Decrease	143	100	12,582

BASIC PROGRAM DESCRIPTION: The Management and Administration (M&A) activity is responsible for providing management oversight and administrative support to the COPS Office, and ensuring that the goals of the Public Safety and Community Policing Grants program, Police Corps program, Law Enforcement Scholarship Program, Police Recruitment Grants program, and the Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles program are achieved. For FY 1998, a total of 186 positions, 186 workyears, and \$20,553,000 in base funding is available. This total includes 32 positions and 32 workyears under COPS' ceiling that are detailed to the Office of Justice Programs (OJP), Office of the Comptroller (OC), to support grant accounting services performed by OJP/OC for COPS grantees. In addition, an estimated \$2.5 million in base funding is available to provide OJP/OC, through interagency agreement, to support the 23 positions and 23 workyears under OJP/OC's ceiling that are devoted to providing grant accounting services to COPS grantees.

INITIATIVE

	Perm. Pos.	FTE	Amount
Management and Administration	143	100	\$12,582

COPS is requesting a program increase of 143 positions, 100 workyears, and \$12,582,000 for FY 1998. The increase includes 67 positions and 34 workyears to support grants administration and related administrative services, and training and technical assistance services provided to grantees, 56 positions and 56 workyears under COPS' ceiling to support grant accounting services performed by OJP/OC for COPS grantees, and 20 positions, 10 workyears, and \$5,000,000 for the Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles program.

In FY 1998, COPS is requesting a total of 329 positions, 286 workyears, and \$33,135,000 for management and administration. This total includes 221 positions and 188 workyears to support COPS programs, 88 positions and 88 workyears under COPS' ceiling to support grant accounting services performed by OJP/OC for COPS grantees, and 20 positions and 10 workyears to support the Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles program.

During FY 1996, the COPS Office and OJP worked collaboratively to address the timeliness of the grantmaking process, the status of monitoring activity, and to estimate FY 1997 staffing requirements to support the grant administration and accounting functions performed by each office. The COPS Office and OJP briefed the Attorney General, the Associate Attorney General, and the Justice Management Division on the results of this analysis, and the staffing levels needed to support both the COPS and OJP grantmaking process. For the FY 1998 request, OJP submitted their staffing requirements to COPS to be incorporated in the FY 1998 budget submission. The number of positions and workyears requested in FY 1998 is a result of extensive analyses of workload data on the discrete grant processing, award, payment and monitoring functions performed by COPS and OJP/OC, each with respect to their own operations.

Beginning in FY 1998, COPS and OJP/OC will be responsible for the administration, payment, and monitoring of over \$4 billion in prior year grant activity (closeout grant activities for \$1.3 billion in FY 1995, and grant monitoring activities for \$1.4 billion in FY 1996, and \$1.42 billion in FY 1997). This level of funding in discretionary grant programs requires a significant level of staffing to administer. One of the most critical aspects of the grant process is the monitoring function. Grant monitoring is critical to ensuring that the resources provided are spent as authorized and as reported by the grantee. Monitoring typically involves the labor intensive tasks of developing monitoring plans, conducting on-site reviews or visits to the grantees, maintaining grant files, preparing quarterly financial reports, coordinating non-compliance issues with appropriate officials, and serving as liaison for the evaluation aspects of the program.

By the end of FY 1996, an estimated total of 9,300 agencies were funded. The total number of agencies funded is expected to reach 11,800 by the end of FY 1997. Therefore, a meaningful monitoring program will require significant on-site reviews of the larger agencies with large amounts of funding. There will also be a need to conduct a sampling of smaller sites to ensure that the jurisdictions that are new to the Federal grant process are following established protocol. Because there are so many smaller jurisdictions, monitoring even a representative sample is resource intensive.

Beginning in FY 1997, the COPS Office and OJP will launch an aggressive monitoring program to begin reviewing grants made over the last 18 months. This monitoring program will be implemented during the first and second quarters of FY 1996. The COPS Office anticipates that the monitoring program will be operational by the third quarter of FY 1997. The additional workyears authorized in FY 1997 will be devoted primarily to implementing the monitoring program in FY 1997. The additional workyears requested in FY 1998 will be necessary to provide sufficient staffing levels to ensure that the monitoring program stays on track, as well as to perform ongoing grant processing, awarding, and payment activities.

**Community Oriented Policing Services
Salaries and Expenses
Financial Analysis - Program Changes**
(Dollars in thousands)

Item	Public Safety Community Policing Grants		Police Scholarship Program		Police Recruitment Grants		Prosecutorial Initiative Targeting Gang Crime and Victim Incentives		Management and Administration		Total	
	Pct.	Amount	Pct.	Amount	Pct.	Amount	Pct.	Amount	Pct.	Amount	Pct.	Amount
Grants												
GA 12									56	\$2,644	56	\$2,644
GA 9									87	2,833	87	2,833
Total positions & annual rate									143	5,477	143	5,477
Target 1)									43	-1,416	43	-1,416
Total workyears & personnel compensation									100	4,061	100	4,061
Personnel benefits										1,218		1,218
Travel & transportation of persons										630		630
Travel & transportation of things										141		141
Comm. util. & other misc. charges										273		273
Printing & reproduction										185		185
Other services										4,194		4,194
Supplies & materials										292		292
Equipment										1,188		1,188
Grants, Subvdes. & contributions		\$7,582		\$20,000		\$5,000		\$95,000				112,418
Total program workyears & obligations									100	12,982	100	125,000
Changes requested 1994		-7,582		20,000		5,000		95,000				

**Community Oriented Policing Services
Salaries and Expenses
1998 Priority Ranking**

BASE PROGRAM		PROGRAM INCREASES	
Program	Ranking	Program	Ranking
Public Safety and Community Policing Grants	1	Public Safety and Community Policing Grants	1
Management and Administration	2	Management and Administration	2
Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles	3	Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles	3
Law Enforcement Scholarship Program	4	Law Enforcement Scholarship Program	4
Police Corps	5	Police Corps	5
Police Recruitment Grants	6	Police Recruitment Grants	6

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Community Oriented Policing Services
 Criminal Justice Training Center
 Detail of Permanent Positions by Category
 Fiscal Years 1996 - 1998

Category	1996		1997		1998	
	Authorized	Program Increase	Authorized	Program Increase	Authorized	Program Increase
Attorneys (905)	3		4		4	
Paralegal Specialists (950)	1		1		1	
Social Sciences, Economics & Kindred (100-190)	12		18		18	
Gen Admin Clerical & Other Sys (300-399)	94		127	87	214	87
Accounting & Budget (500-599)	17		32	56	86	56
Information & Arts Group (1000-1099)	3		4		4	
Total	130		188	143	329	143
Washington	130		188	143	329	143
Total	130		188	143	329	143
NPR Targeted Positions						
Supervisors	11		16	4	20	4
Personnel Specialists	2		3		3	
Budget Specialists	10		25	50	75	50
Accountants and Auditors						
Acquisition Specialists						
Headquarters Staff						

**Community Oriented Policing Services
Salaries and Expenses
Summary of Attorney and Support Positions by Category
Fiscal Years 1997 - 1998**

Decision Unit	1997 Enacted			1998 Program Increase			1998 Request		
	Attorneys Pos	Support WY	Total WY	Attorneys Pos	Support WY	Total WY	Attorneys Pos	Support WY	Total WY
Public Safety & Community Policing Grants									
Police Corps									
Law Enforcement Scholarship Program									
Police Recruitment Grants									
Prosecutorial Initiatives Targeting Gang									
Crime and Violent Juveniles	4	4	182 170		143 112	143 112	4	4	325 282
Management and Administration									
Total	4	4	182 170		143 112	143 112	4	4	325 282
									329 286

Community Oriented Policing Services
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

	Perm. Work- Per year	Amount
Increases (Automatic, non-policy):		
1. 1996 pay raise		\$208
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1996 and is consistent with Administration policy included in the 1996 President's budget request. This increase includes locally pay adjustments as well as the general pay raise. The amount requested, \$208,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$160,000 for pay and \$48,000 for benefits = \$208,000).		
2. Annualization of 1997 pay raise		50
This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent. This increase includes locally pay adjustments as well as the general pay raise. The amount requested, \$50,000, represents the pay amounts for three quarters of the year (\$39,000 for compensation and \$11,000 for benefits).		
3. Within-grade increases		8
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder sales to reflect promotion policy for each organization. The request includes \$5,000 for pay and \$3,000 for benefits.		
4. Annualization of 12 additional positions approved in 1997	12	431
This provides for the annualization of 12 additional positions provided in 1997 Congressional Action for Management and Administration. This request includes nonrecurring costs for one-time items associated with the increased positions.		
5. General pricing level adjustments		56
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.		
Total increases	12	753

Justification of Adjustments to Base (continued)		
(Dollars in thousands)		
		Parm Work- Pos years Amount
Decreases (Automatic, non-policy)		
1 Public Safety and Community Policing Grants		
Offset from Public Safety and Community Policing Grants to fund adjustments to base for Management and Administration		
Funding to support Management and Administration is derived from the total appropriation and, therefore, does not change the amount of direct base funding requested		-753
Total decreases		-753
Total adjustment to base		12

Community Oriented Policing Services
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Pos. & Wys.	Amount	Pos. & Wys.	Amount	Pos. & Wys.	Amount	Pos. & Wys.	Amount
1-S-6: \$122,648	1		1		1			
1-S-5: \$120,486								
1-S-4: \$116,008	2		2		2			
1-S-3: \$110,070								
1-S-2: \$105,298								
1-S-1: \$100,518								
GS-15: \$72,486-\$85,531	1		2		2			
GS-14: \$62,473-\$72,127	9		10		10			
GS-13: \$52,461-\$61,729	10		12		16			
GS-12: \$44,456-\$57,800	12		17		25			
GS-11: \$37,094-\$48,222	7		30		50			
GS-10: \$33,762-\$43,888	16		27		55			
GS-9: \$30,658-\$39,858			40		83			
GS-8: \$27,596-\$36,088	28		27		50			
GS-7: \$25,061-\$32,582	2		10		20			
GS-6: \$22,554-\$29,320	13		4		8			
GS-5: \$20,333-\$26,303	2		4		3			
GS-4: \$18,085-\$23,515								
GS-3: \$16,111-\$20,940								
Locality Pay		\$187		\$187		\$187		
1997 Pay Rate				156		208		\$208
Total appropriated positions	130	\$182	186	\$7,594	329	\$13,248	143	\$6,554
Pay above stated annual rates		20		29		51		22
Lapses	-17	-717	-12	-506	-43	-1,548	-31	-1,042
Savings due to lower pay scales for part of year	113	-26	174	-39	286	-52	112	-13
Net full-time permanent		4,459		7,078		11,699		4,621
Other personnel compensation								
Average	3	152	4	240	8	384	4	144
Total Workyears & personnel compensation	116	4,611	178	7,118	294	12,083	116	4,765
Average 1's Salary		\$11,808		\$18,919		\$18,919		
Average 1's Salary		\$17,118		\$18,245		\$18,401		
Average 1's Grade		9.4		9.8		9.6		

Community Oriented Policing Services
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	WY	Amount	WY	Amount	WY	Amount	WY	Amount
111 Full-time permanent	113	\$4,159	171	\$7,078	286	\$11,099	112	\$4,621
115 Other personnel compensation	3	152	4	240	8	388	4	144
Total	116	4,611	178	7,318	294	12,083	116	4,765
Other Object Classes								
120 Personnel benefits	1092		2,071		3,518		1,445	
210 Travel and transportation of persons	210		1,256		2,000		744	
220 Transportation of things	349		377		453		76	
231 GSA rent	1,598		1,671		1,711		59	
233 Comm. util. & other misc. charges	109		199		702		503	
240 Printing and reproduction	111		168		593		482	
252 Other services	11,765		16,551		37,616		25,851	
260 Supplies and materials	124		115		447		323	
310 Equipment	1,118		1,105		2,526		1,408	
410 Grants, subsidies, and contributions	1,260,109		1,576,319		1,483,329		-92,990	
Total obligations	1,011,803		1,627,918		1,515,000		-112,918	
Unobligated balance, start of year	-412,851		-207,918					
Unobligated balance, end of year	207,918							
Total requirements	1,399,080		1,420,000		1,515,000			
Relation of Obligations to Dollars								
Total obligations	1,011,803		1,627,918		1,515,000			
Obligated balance, start of year	912,111		1,911,815		2,778,165			
Obligated balance, end of year	-1,911,815		-2,778,167		-2,629,801			
Dollars	111,412		783,586		1,613,166			

Department of Justice
Counterterrorism Fund
Estimates for Fiscal Year 1998
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**Counterterrorism Fund
Salaries and Expenses
Summary Statement
Fiscal Year 1998**

For 1998, the Department seeks \$29,450,000 in no-year funding for the Attorney General's Counterterrorism Fund. The Counterterrorism Fund was established with \$14,200,000 in no-year funding by the 1995 Emergency Supplemental Act. The appropriation enacted for Fiscal Year 1997 included an additional \$15,250,000 in no-year funding for the Counterterrorism Fund.

The 1997 Department of Justice Appropriations Act authorizes the Fund's use for reimbursing Departmental components for costs incurred in support of countering, investigating, or prosecuting domestic and/or international terrorism, and to finance reward payments in connection with such activities. The Fund is further authorized for use in restoring the operational capacities of offices destroyed or damaged in domestic or international terrorism events. The funds requested for 1998 would be authorized for the same purposes.

The recent gains and world attention achieved by terrorist groups could prompt future terrorist events. In addition, because terrorism is often politically motivated, the rapid pace of current world politics could be another catalyst for terrorist attempts in 1998 and beyond. These are just two of several factors that could elevate terrorism response demands well above current estimates.

The personal loss and injury sustained in terrorist episodes like the Atlanta Centennial Park bombing, the Antrak derailment in Arizona, the Oklahoma City bombing, and the World Trade Center bombing warrant a heightened, more timely response to terrorism. Although Departmental components have some funding and personnel resources, the Department must ensure that it has the resources to respond to terrorism in a manner that will ensure the flexibility to ensure that unanticipated terrorist episodes are addressed in the most rapid and effective manner possible. Although it is impossible to predict the timing, frequency, and severity of terrorist threats/acts, the resource level requested will provide the Counterterrorism Fund with critical depth and flexibility to respond to future terrorist threats/acts.

Counterterrorism Fund
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

For necessary expenses, as determined by the Attorney General, [\$9,450,000]* _____ \$29,450,000

to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of [the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or] any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the cost of conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with Section 605 of this Act.

[For an additional amount for necessary expenses, as determined by the Attorney General, \$20,000,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, or (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.] (Department of Justice Appropriation Act, 1997.)

Explanation of Changes:

1. The first change deletes specific reference to the Alfred P. Murrah Federal Building. Although not specifically cited in the proposed new language, any additional funds that may be necessary to reestablish the operational capability of the Murrah Building would still be available under the proposed new language.
2. The second change deletes FY 1997 emergency appropriation language.

Counterterrorism Fund
Salaries and Expenses
Continuation of 1997 Charges
(Dollars in thousands)

	1997 President's Budget Request		Congressional Appropriation Action on 1997 Request		Adj. Transfers in Between NY Account		Reprogramming		1997 Appropriation Enacted	
	Pos.	NY Amount	Pos.	NY Amount	NY	Amount	Pos.	NY	Pos.	NY
1. Counterterrorism Fund		\$4,688		\$15,238						
Total		\$4,688		\$15,238					\$15,450	\$15,450

The Administration requested an additional \$15,000,000 for the Attorney General's Counterterrorism Fund through the 1997 Counterterrorism Amendment. Total funding of \$15,450,000, as indicated in the 1997 Appropriation Enacted column, was provided for the Counterterrorism Fund in 1997.

Counterterrorism Fund
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:		Perm. Work-	
		Pos.	Year Amount
1997 as Enacted.....		..	29,450
1998 Base.....		..	29,450
Program Changes (See Program Narrative for Details).....		..	0
1998 Estimate.....		..	29,450
Estimates by budget activity			
1. Counterterrorism Fund..	Pos. WY Amount	1998 Base Pos. WY Amount	1998 Estimate Pos. WY Amount
Total.....	.. 29,450 .. 29,450 .. 29,450 .. 29,450	.. 29,450 .. 29,450	.. 29,450 .. 29,450
		Increase/Decrease	
		Pos. WY Amount	Pos. WY Amount
		.. 0 .. 0	.. 0 .. 0

All funds will be distributed under Object Class 25.3, purchase of goods and services from government accounts.

Counterterrorism Fund
Salaries and Expenses
Program Performance Information
Government Performance and Results Act Requirements

MISSION: To reimburse Departmental components for costs incurred in support of countering, investigating, or prosecuting domestic and/or international terrorism, and to finance reward payments in connection with such activities. The Fund is further authorized for use in restoring the operational capacities of offices destroyed or damaged in any domestic or international terrorism events.

**Counterterrorism Fund
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)**

ACTIVITY: COUNTERTERRORISM FUND

	Perm. Pos.	FTE	Amount
Counterterrorism Fund			
1997 As Enacted	\$29,430
1998 Base	29,430
1998 Estimate	29,430
Increase/Decrease	0

BASE PROGRAM DESCRIPTION: The Counterterrorism Fund was established with \$34,200,000 in no-year funding by the 1995 Emergency Supplemental Act. The appropriation enacted for 1997 includes an additional \$29,450,000 in no-year funding for the Counterterrorism Fund. It is expected that already identified events, such as the Presidential inauguration and the Oklahoma City Bombing Trial, may consume a significant amount of the 1997 Counterterrorism Fund available balance. Other initiatives that may require funds from this account in 1997 include TWA Flight 800, the Atlanta Centennial Park Bombing, and the Unibomber.

The personal loss and injury sustained in terrorist episodes like the Atlanta Centennial Park bombing, the Amtrak derailment in Arizona, the Oklahoma City bombing, and the World Trade Center bombing warrant a heightened, more timely response to terrorism. Although Departmental components have base funding and enhancements requested for 1998 to help address this concern, these resources have neither the depth nor the flexibility to ensure that anticipated terrorist plots are addressed in the most rapid and effective manner possible. The Counterterrorism Fund is capable of having this necessary depth and flexibility.

Although many aspects of crime are difficult to anticipate and plan for, the widespread devastation resulting from terrorism compels that law enforcement be prepared to the highest possible level. Provision of the requested resources of \$29,450,000 will assist in the effort where future counterterrorism efforts meet public safety needs. In previous years, Counterterrorism Fund resources have been used for such things as:

- Costs related to the Oklahoma City bombing and trial preparation
- 1996 Summer Olympics in Atlanta
- 1996 Political Conventions
- Combatting Middle Eastern terrorism.

PROGRAM CHANGES: None.

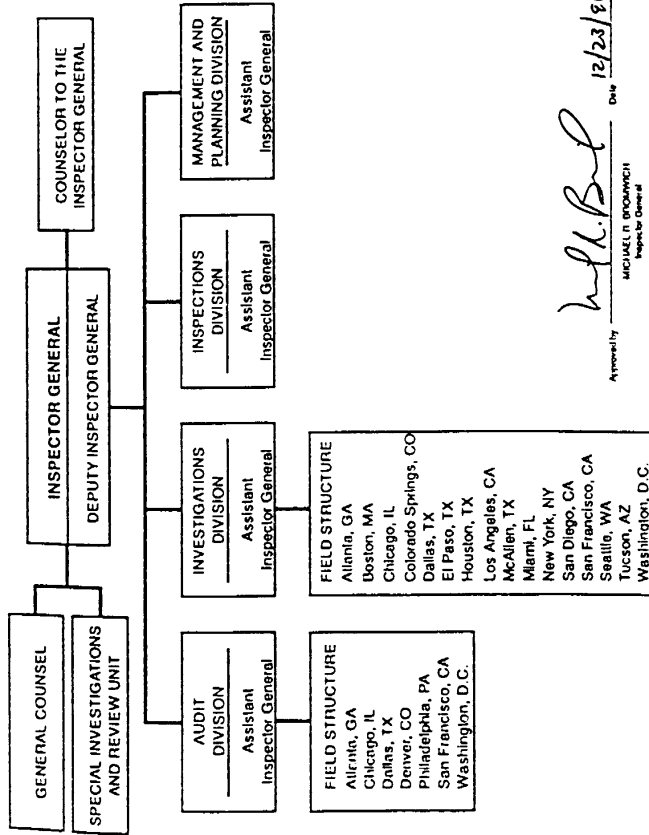
Department of Justice
Office of the Inspector General
Estimates for 1998
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OFFICE OF THE INSPECTOR GENERAL



Approved by *Michael N. Enomochi* Date 12/23/96
 MICHAEL N. ENOMOCHI
 Inspector General

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INTRODUCTION

The Office of the Inspector General (OIG) was statutorily established in the Department of Justice (DOJ) on April 14, 1989. The OIG investigates alleged violations of criminal and civil laws, regulations, and ethical standards arising from the conduct of the Department's employees. The OIG provides leadership and assists management in promoting integrity, economy, efficiency, and effectiveness within the Department and in its financial, contractual, and grant relationships with others. Also by statute, the OIG reports to the Attorney General, Congress, and the public on a semiannual basis regarding its significant activities.

DOJ's responsibilities are wide-ranging. They include detecting, apprehending, prosecuting, and incarcerating criminal offenders; upholding the civil rights of all Americans; enforcing laws to protect the environment; ensuring healthy competition of business; safeguarding the consumer from fraudulent activity; carrying out the immigration laws of the United States; and representing the American people in all legal matters involving the United States Government. DOJ carries out its workload throughout the United States (in approximately 2,000 installations) and in nearly 100 overseas offices.

The OIG promotes efficient and effective management within DOJ and detects and deters wrongdoing in its programs and operations using the coordinated efforts of its investigative, audit, and inspection resources. Specifically, the OIG: (1) investigates violations of law and DOJ regulations for appropriate criminal prosecution, civil litigation, and administrative action for a department with more than 105,000 employees; (2) conducts reports on and follows up on financial and performance audits of DOJ programs, contracts, grants and agreements, which is expected to total \$18.6 billion in 1997; and (3) performs short-term inspections of DOJ programs that provide early warning to the Administration and Congress regarding potential or existing problems. These activities are crucial to DOJ's obligation to prudently manage its appropriations and to improve the efficiency of its activities.

CURRENT BUDGET AUTHORITY

The OIG currently operates with a total direct budget authority of \$31,985,060 comprised of an enacted appropriation of \$31,960,000 and 326 full-time permanent positions, and 388 workyears, and High Intensity Drug Trafficking Area (HIDTA) funding of \$25,060. In addition to direct appropriations, the OIG expects to receive \$6,250,000 to fund 65 workyears supported through reimbursable agreements with the INS and the United States Trustee. The OIG also receives additional reimbursements for the conduct of financial statement audits (IFSA) as required by the Chief Financial Officers (CFO) Act of 1990 and the Government Management Reform (GMR) Act of 1993. The majority of funding for CFO audits is considered "pass through" as the actual audits are performed by private Certified Public Accounting (CPA) firms and are funded from the DOJ's Working Capital Fund (WCF) and Assets Forfeiture Fund. OIG auditors oversee the CPA's work and follow up on corrective actions. During FY 1997, we anticipate receiving approximately \$6,740,000 for financial statement audit activities, including \$5,600,000 as "pass through" and \$1,140,000 and 11 FTE for oversight.

SUMMARY OF THE 1998 BUDGET REQUEST

The OIG's request for FY 1998 totals \$33,211,000, 326 permanent positions and 416 workyears, representing no change in positions, an increase of 28 workyears and a net increase of \$1,251,000 over the FY 1997 appropriated level. The principal element for the change is

- ♦ \$1,251,000 for mandatory increases, related to continuing FY 1997 current services, including FY 1998 pay raises.

This increase is offset by the following decrease

- ♦ -\$25,060 for non recurring HIDTA funding

We project reimbursements in 1998 of \$6,980,000 and 14 FTE related to our FSA work, including \$5,650,000 in "pass through" contract costs and \$1,330,000 and 14 FTE in oversight costs, \$5,000,000 and 50 FTE from INS Fee account oversight work, and \$1,250,000 and 15 FTE from the U.S. Trustees for requested audit work. Additionally, we anticipate the Attorney General transferring one-tenth of one percent from DOJ's VCRTF funding for oversight work of crime bill funding. We estimate this amount will support 25 FTE in FY 1998 and 40 FTE in FY 1999. As this transfer does not affect our base, we are treating the FTE as "reimbursable" for presentation purposes. Extensive justification for this transfer request appears later in this submission.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF THE INSPECTOR GENERAL
WASHINGTON, D.C. 20535

Office of the Inspector General
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Office of The Inspector General

For necessary expenses of the Office of the Inspector General, [\$31,960,000], including not to exceed \$33,211,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of the Attorney General and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year. Provided, that up to one-tenth of one percent of the Department of Justice's allocation from the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other services of such grant programs, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) (Department of Justice and Related Agencies Appropriations Act, 1997).

Explanation of Changes

The Department proposes that a small percentage of Violent Crime Reduction Trust Fund (VCRTF) program dollars be transferred to the OIG so that it can identify problems and help assure the Attorney General and the Congress that corrective action is taken to protect the integrity, efficiency and soundness of VCRTF programs.

Office of the Inspector General
 Salaries and Expenses
 Crosswalk of 1997 Changes
 (Dollars in thousands)

Activity/Program	1997 President's Budget Request		Congressional Appropriations Actions on 1997 Request		HIDTA Transfer		1997 Appropriation		
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY	
	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	
Audits, Inspections and Investigations	402	401	\$51,949	75	89	\$19,989	326	312	\$31,985

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Congressional Appropriation Actions. Congressional action approved \$15 M in mandatory increases and restoration of approximately one-half of FY 1996 cuts. Congressional action did not appropriate direct funding for FSA work, but it did direct that the OIG be reimbursed from DOJ's WCF retained earnings for its FSA efforts. Congressional action did not appropriate direct funding for INS fee related oversight work, but it did allow for the OIG to be reimbursed for up to \$5.0 M from INS fees for this effort.

LEGISLATIVE COMMITTEE
OFFICE OF THE INSPECTOR GENERAL
1100 N. 1ST STREET, SUITE 200
TAMPA, FL 33604-1000

Office of the Inspector General
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

	Perm Pos.	WY	Amount
1937 as enacted			
1937 High Intensity Drug Trafficking Areas Transfer	326	312	\$31,960
Adjustments to Base			\$25
Increases			\$1,251
1997 High Intensity Drug Trafficking Areas Non recur			---
1998 Base	326	312	\$33,211
Violent Crime Reduction Trust Fund Transfer		***	---
Program Changes (See Program Narrative for Details)			---
1998 Estimate	326	312	\$33,211

*** The amount to be transferred is dependent on the amount of total DOJ Violent Crime Reduction Trust funding and the discretion of the Attorney General. Therefore, the transfer will not affect the OIG base. We anticipate funding will support 25.40 FTE, and are showing 25 "reimbursable" FTE for presentation purposes only.

	1996 As Enacted		1996 Actual		1997 Appropriation		1998 Base		1998 Request		Increase/ Decrease	
	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount
Audits, Inspections and Investigations	325	280	\$31,383	325	280	\$31,272	326	294	\$31,985*	326	294	\$33,211
Reimbursable Workyears		72		72		76		76		104		28
Total Workyears		370		370		370		370		398		
Overtime												
LEAP		16		16		16		16		16		
Other		---		---		---		---		---		
Total Compensable WY		370		370		388		388		416		28
* Includes HIDTA transfer of \$25,060												

Office of the Inspector General
Reimbursable Resources
(Dollars in thousands)

Collections by Source	1996 Actual		1997 Estimate		1998 Request		Increase/ Decrease	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
INS Fee Accounts	50	\$5,000	50	\$5,000	50	\$5,000		
Violent Crime Reduction Trust Fund								
U.S. Trustees	15	1,250	15	1,250	15	1,250		
Financial Statement Audits	7	5,695	11	6,740	14	6,980	-3	-240
Total	72	\$11,945	76	\$12,990	79	\$13,230	3	\$ 240
Obligations by Functional Area								
Audit	37	8,345	41	9,390	41	9,630		
Investigations	30	3,130	30	3,125	30	3,125		
Inspections	5	470	5	475	5	475		
Total	72	\$11,945	76	\$12,990	76	\$13,230		

*** Does not include an amount to be transferred since the amount is dependent on total DOJ Violent Crime Reduction Trust funding and the discretion of the Attorney General. Therefore, the transfer will not affect the OIG base. We anticipate funding will support 25.40 FTE, and are showing 25 "reimbursable" FTE for presentation purposes only.

INS Fee Accounts - The OIG has significantly increased its consultation with INS during the development of its workplan to assure that INS receives tangible management assistance from the agreement, which supports audits, investigations, and inspections performed on the programs funded by INS fee accounts. Under present conditions, the OIG is limited to using these resources only for INS Fee Account programs.

Violent Crime Reduction Trust Fund - Audit or other services for oversight of the anticipated greater than \$17 B VCRTF programs.

U.S. Trustees - Audit services related to panel trustees to identify potential problem areas/weaknesses, examine annual financial reports on Chapters 12 & 13 Standing Trustees, and perform reviews of Chapter 7 panel trustees.

Financial Statement Audits - In accordance with the CFO and GMRA Acts, the OIG oversees the financial statement audits for all audited accounts within DOJ.

EXECUTIVE SUMMARY

MISSION

The OIG promotes efficient and effective management within DOJ and detects and deters wrongdoing in its programs and operations using the coordinated efforts of its investigative, audit, and inspection resources.

ORGANIZATIONAL GOALS

To fulfill its mission, the OIG has established three major goals:

1. Promote the efficiency and effectiveness of DOJ programs and operations
2. Detect and deter misconduct in programs and operations within or financed by DOJ
3. Build relationships with customers based on a shared commitment to improving program operations and effectiveness

MAJOR OBJECTIVES

The OIG reaches its goals by realizing the following objectives:

- ◆ Ensure that resources are used effectively to achieve qualitatively superior results in criminal and administrative investigations, as well as to ensure a continued focus on broad/high impact investigations.
- ◆ Conduct, report on, and follow up on performance audits and inspections of programs and operations within or financed by DOJ.
- ◆ Provide technical assistance and management advisory services to DOJ management to assist in improving program operations.
- ◆ Coordinate and cooperate with federal, state, and local government agencies, and non government entities, to promote efficiency and effectiveness and prevent and detect fraud, waste, and abuse in programs and operations within, or financed by, DOJ.

BASE PROGRAM DESCRIPTION

The OIG achieves its major objectives by carrying out specific functions assigned to several divisions. The OIG's programs are implemented by its Investigations, Audit, and Inspections Divisions and the Special Investigations and Review Unit (SIRU). Supporting these components is an Executive Direction and Control function that establishes and issues policy and program direction for the OIG through the immediate office of the Inspector General, General Counsel, and the Management and Planning Division. Specific responsibilities of the Executive Direction and Control function include policy development, legal counsel, legislative matters, planning, budget, finance, quality assurance and evaluation, personnel training, procurement, automated data processing, and general support services.

Specific functions performed in the OIG's base program include

- ◆ Investigate allegations against DOJ employees regarding violations of the laws and regulations pertaining to DOJ and refer, as appropriate, for criminal prosecution, civil litigation, and administrative action.
- ◆ Track and report on the status of all DOJ civil rights investigations involving INS personnel.
- ◆ Conduct an aggressive integrity information program to reduce employee misconduct and provide expanded fraud vulnerability briefings to more contracting personnel.
- ◆ Conduct report, and follow-up on financial audits of DOJ organizations, programs, contracts, grants and other agreements.
- ◆ Perform audits and inspections of high risk and material weakness areas identified by DOJ and OMB, and maintain flexibility needed to support DOJ's program priorities.
- ◆ Monitor DOJ's Information Resource Management (IRM) processes and capabilities through the Computer Security and Information Technology Audit Office.
- ◆ Conduct or oversee the performance of audits of DOJ financial statements in accordance with the CFO and Government Management Reform Acts.
- ◆ Examine DOJ components to ensure effective debt collection activities as well as identification and collection of user fees.
- ◆ Perform inspections and program-impact evaluations of DOJ programs and activities, and
- ◆ Evaluate existing and proposed legislation and regulations affecting the prevention and detection of fraud, waste, and abuse in DOJ programs and operations.

PROGRAM PERFORMANCE INFORMATION

ACCOMPLISHMENTS Following are significant OIG accomplishments during FY 1994, and highlights of significant current efforts

Investigations

- ◆ OIG Special Agents made 136 arrests and conducted investigations that resulted in the return of 121 affidavits and 129 convictions
- ◆ As a direct result of OIG investigations, DOJ received \$875,433 in the form of fines, restitution, and recoveries, seized \$1,559,124 and deposited \$22,867 in bribe money in the U.S. Treasury
- ◆ The OIG received and processed 6,233 complaints
- ◆ Agents closed 412 investigations and had 444 pending at the end of the fiscal year, referred 424 allegations to other justice components for appropriate action and are monitoring 721 referrals
- ◆ The Investigations Division provided 104 Integrity Awareness sessions to 2,912 justice employees
- ◆ An undercover investigation conducted by the OIG New York Field Office disclosed that over a 4 year period, five INS clerks illegally issued thousands of employment authorization cards and other benefits to illegal aliens. The clerks, all from one INS district office, conspired with document vendors who paid them bribes ranging from \$300 to \$1,000 per card. The clerks also provided the document vendors with sensitive computer printouts. The five INS employees and a document vendor were arrested on charges of bribery and conspiracy. When arrested, over \$164,000 in cash was seized from the document vendor. Serious internal control deficiencies were also identified by the OIG for corrective actions.
- ◆ The OIG initiated an investigation of three related drug trafficking organizations interested in identifying a corrupt U.S. immigration official to provide them with immigration documents and to facilitate the entry of hundreds of loads of cocaine into the United States. The OIG informed DEA and as a result Operations MOTORCROSS and BROKEN BORDER were initiated as Organized Crime Drug Enforcement Task Force cases in the Central and Southern Districts of California. An OIG agent posed as a corrupt supervisory immigration inspector and was paid \$12,400 in bribes for the issuance of four INS documents. Concurrently, DEA allowed controlled deliveries of cocaine to the drug traffickers, the drugs were later seized. Four drug traffickers who paid bribes to the undercover OIG agent were arrested by the OIG San Diego Field Office on charges of bribery of a public official. In addition, DEA arrested six other drug traffickers and seized \$3.7 million.

Audit

- ◆ Completed and issued 16 internal reports
- ◆ Oversaw and issued 7 Chief Financial Officers audit reports

- ◆ Completed and issued 35 contract, grant, and equitable sharing audit reports, and COPS preaward reviews.
- ◆ Performed and issued 207 bankruptcy audit reports
- ◆ Reviewed and issued 209 Single Audit Act audit reports covering 948 contracts and grants
- ◆ Issued 27 management information, technical assistance, investigative assistance memoranda, and notifications of irregularity. In addition, Audit made recommendations for
 - ◆ Funds Put to Better Use - \$18,564,369.
 - ◆ Questioned Costs - \$15,313,090.
 - ◆ Enhanced Revenues - \$290,160.
 - ◆ Management Improvements - 373.

Additionally,

- ◆ Audit issued two Status Reports on the INS Financial Management Corrective Action Plan. In the first report, issued in January 1996, Audit concluded INS had begun to make progress as of September 1995, towards implementing the corrective action plan. However, in the second report issued in September 1996, it was noted that INS had made very limited progress as of June 30, 1996 towards implementing the corrective action plan in a timely manner. Audit also expressed concern in the latter report about INS' ability to implement a new core financial system by October 1, 1997 and addressed the 25 actions that were behind schedule.
- ◆ An audit of the INS Border Patrol Management of Aviation Operations was completed during the reporting period. This audit was the fourth on DOJ component aviation operations and was part of the President's Council on Integrity and Efficiency's assessment of civilian aircraft in the Executive Branch. Additionally, the Audit Division provided comments to the GSA OIG, the lead agency, on the governmentwide draft report of Executive Branch Use of Aircraft.
- ◆ Audit increased its efforts in monitoring INS' major initiatives project which is to enhance their ADP operations. The total cost for these initiatives is projected to be almost \$1.7 billion and will affect nearly all aspects of INS management. Members of the Audit Division participated in quarterly briefings presented by INS management covering the automation initiatives in general as well as the quarterly briefings that cover the activities of the INS information technology partner contractor. Audit also assessed the automation initiatives associated with each operation or activity in our regular audits of INS operations and activities.

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10/10/1996
10/10/1996

- ◆ The USMS establishes agreements with local jails to acquire space for federal prisoners. For FY 1996, the USMS anticipated having almost 1,000 agreements nationwide at a cost of \$255 million. At the request of the USMS, Audit audited six agreements with local jails. These audits have resulted in questioned costs of \$9.8 million and over \$1.3 million in funds that could be better utilized. Audit also worked with USMS staff regarding these audits and the Intergovernmental Agreement program in general. The USMS is aggressively pursuing corrective actions and the recovery of unallowable costs.
- ◆ The Audit Division recently finished an audit of the BOP's Community Corrections Center (CCC) Program. Audit found CCCs to be a cost effective, safe alternative to incarceration. BOP effectively negotiated, awarded, and monitored the CCC contracts. However, CCC operations can be improved by requiring the Administrative Office of the U.S. Courts (AOUSC) to reimburse the BOP its \$14 million annual cost of supervising AOUSC referred cases.
- ◆ The Audit Division prepared for the upcoming Departmentwide Financial Statement audit by identifying reporting entities and contacting the financial managers of each bureau to explain the audit process and our expectations. Audit also provided a liaison function between Bureau financial managers and GAO auditors who were in the Department to start preliminary work for their FY 1997 governmentwide audit. As the Departmentwide Financial Statement audit is to be conducted by independent public accountants, contracting efforts continued throughout most of the year including preparing answers to offerors' questions. Technical Selection Panel review of proposals and best and final offers, and statements of work prepared for each of the reporting entities. Four contracts were awarded in mid-September 1996 and seven delivery orders were awarded by the end of the fiscal year. Assistance was also provided to JMD in preparing the reprogramming amounts necessary to pay for the audits.
- ◆ Audit continued its efforts in working with COPS officials to aid in their implementation of the Violent Crime Control and Law Enforcement Act of 1994. Audit completed five preaward reviews of selected grant applicants under the COPS FAST and COPS MORE programs. The objective of COPS is to fund the hiring of 100,000 additional police officers nationwide. Funding for the program for fiscal years 1995 and 1996 was approximately \$2.5 billion.
- ◆ The Department shares the proceeds of forfeited assets with state and local law enforcement agencies that participate in federal investigations resulting in forfeitures. These funds are to be used for law enforcement purposes. At the request of Department management, the Audit Division completed four audits of equitable sharing revenues questioning almost \$1.8 million. These audits were performed at the request of the Criminal Division.
- ◆ The Audit Division revised the general audit guide for the use of equitable sharing of cash and property with state and local law enforcement agencies. The guide will be used for all future equitable sharing audits and, in particular, for an internal audit of state and local use of equitable sharing funds.
- ◆ Of the overall audit numbers cited above, the Audit Division completed 17 audits of expenditures made under Departmental contracts and grants and reported over \$3.8 million in questioned costs.

Inspections

The Inspections Division issued 12 inspection reports and conducted or participated in several special inquiries. Inspectors work closely with Department managers to identify, develop, and implement innovative solutions to address problems identified in reports. Highlights of Inspections work include

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 U.S. DEPARTMENT OF JUSTICE

- ◆ A review of the INS' deportation program. The report noted that INS' program to deport nondetained aliens was largely ineffective, only about 11 percent of nondetained aliens with final orders to deport left during FY 1994. In contrast, about 94 percent of the detained aliens were removed within an average of 16 days after issuance of the final orders.
- ◆ A review of the Department's policy and guidance issued on the American Express charge card program and the extent of use. Report findings showed Department employees are not using the American Express charge card to the maximum extent possible and, therefore, the Department does not benefit from as large a refund as it could from American Express through its rebate program. The report noted a small percentage of charge card misuse and found insufficient monitoring procedures to detect it.
- ◆ A review identifying serious defects in the way the INS deals with illegal aliens who are the beneficiaries of document fraud. Review findings indicated that INS investigators usually did not attempt to locate aliens identified as participants in fraud schemes due to higher investigative priorities such as criminal aliens and employer sanctions, deportation proceedings against these aliens, were not initiated, and INS did not delete, correct, or flag entries to its Central Index System to reflect aliens known to have fraudulently obtained documents to alien INS officers should they encounter these same aliens in the future.
- ◆ A review addressing INS' efforts to combat sweatshops that exploit illegal aliens, often in nearly slave like conditions, showed that INS faces significant obstacles to effective enforcement of immigration law in sweatshops, and a large illegal immigrant workforce is likely to continue to be available to sweatshop operators for the foreseeable future. One of our primary findings was that INS has limited intelligence collection capabilities, both domestic or foreign, on sweatshop operations and their links to alien smuggling organizations. We also identified interagency coordination problems that would impede INS' efforts. OIG staff joined the Deputy Attorney General's Interagency Working Group on Sweatshop Strategy Coordination to develop innovative solutions to address the battle against sweatshops.
- ◆ A review on safeguarding grand jury material at U.S. Attorneys' Offices. Report findings showed that 60 percent of the U.S. Attorneys Offices (USAO) used court reporting firms that employed court reporter personnel who have access to grand jury material, but did not have adequate security clearances. We also noted several inadequacies related to the physical security of grand jury material by both USAOs and court reporting firms.
- ◆ In response to the Attorney General's request that the OIG become involved in the Violent Offender Incarceration and Truth in Sentencing Incentive Grant programs, inspections began a series of meetings with the Office of Justice Programs (OJP) who has responsibility for implementing these grant programs. To date, inspections met with OJP program staff, provided comments on program guidance and the grant application kit, and agreed to provide pre- and post-award grant reviews. We also plan to devote resources in FY 1997 to a variety of smaller grant programs.

Special Investigations

- ◆ The OIG released its report on the event known as "Good Ol' Boy Roundup" (Roundup). The OIG conducted a wide ranging investigation (interviewing over 500 witnesses) to determine whether any DOJ employees had attended the Roundup and, if so, whether they engaged in or approved of racial, criminal, or other kinds of misconduct. The OIG concluded that the Roundup was not, as it was portrayed in the media stories, a "Klan rally," an intentionally "whites only" racist gathering, or a haven for criminal conduct. Although we concluded that much of the early Roundup news was overblown and distorted,

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our investigation revealed ample evidence of shocking racist, xenophobic and puerile behavior by attendees occurring in various years. The OIG recommended that DOJ provide further guidance and training about what constitutes conduct that brings DOJ or one of its agencies into disrepute.

- ◆ An investigation of allegations that the INS misled a Congressional Task Force visiting INS facilities in Miami concerning conditions in the facilities. The OIG report, *Alleged Deception of Congress*, The Congressional Task Force on Immigration Reform's Fact finding Visit to the Miami District of INS in June 1995 was issued in June 1996. In conducting this investigation, the OIG interviewed more than 450 witnesses, obtained in excess of 200 affidavits, recovered and analyzed thousands of electronic mail messages, reviewed thousands of pages of documents, and reconstructed data for alien movements and staffing issues for many months prior to the Delegation's visit. The OIG concluded that INS management in Miami intentionally misled the Congressional Task Force.
- ◆ At the request of the Senate Select Committee on Intelligence (SSCI), the Inspectors General of the Departments of Justice, State, Defense, and the Central Intelligence Agency (CIA) conducted a government wide review of the response of the United States Government to the murders of four Marines in 1985 in the Zona Rosa district of El Salvador. Allegations recently surfaced that two Salvadorans believed to be connected to the murders were allowed to enter and live in the United States. We conducted a lengthy review of the actions taken by the Department of Justice in response to the murders. In September 1996 we submitted our report to SSCI and in coordination with the other three Inspectors General, briefed the Committee concerning our findings.

- ◆ The OIG has conducted several investigations of high level DOJ officials for alleged misconduct, including a U.S. Attorney who resigned after the IG wrote a report on his alleged misconduct inside an adult nightclub.

The OIG continues its work on the following special investigations:

- A review of the Federal Bureau of Investigation's (FBI) investigation of the loss of its intelligence assets in 1985-86 and its role in subsequent efforts to uncover the compromises in FBI and CIA cases of that period that were caused by Aldrich Ames.
- An investigation into allegations that scientific examinations within the FBI laboratory on some of its most significant cases were conducted improperly and the results skewed in favor of the prosecution.
- A review of allegations that the CIA was involved in the importation of crack cocaine into Los Angeles by supporters of the Nicaraguan Contras in the 1980s. The investigation will focus on Department components and employees whose activities are the subject of these allegations.

GENERAL GOAL #1: Promote the efficiency and effectiveness of Department programs and operations.

OFFICE OF THE INSPECTOR GENERAL						
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1995 Actual	1996 Actual	1997 Target	1998 Target	1999 Target
Input	1. Assignments initiated	*	213	243	322**	370**
Output/ Activity	2. Products issued to Department Senior management	*	291	294	384	429
	3. Products issued to Congress	*	27	29	31	31
	4. Percent of Department High Risk Areas addressed	*	50%	50%	50%	50%
	5. Assignments completed	*	127	122	407**	455**
Intermediate Outcome	6. Percent of report recommendations accepted by management	*	96%	90%	90%	90%
End Outcome	7. Percent of report recommendations resulting in Departmental program improvements	*	50%	50%	50%	50%
A. Definitions of Terms or Explanations for Indicators						
* Information not available						
1. "Assignments" covers all audits including Internal, CDD, External, and UN Trustee, but not Single Act Audits, inspections, and special investigations and reviews by SIRI.						
"Assignments" may also include activities that do not result in a report or product, e.g. an assignment may result in a memorandum to file rather than a report. Investigations activities are covered under Goal #3.						
2. Products issued to Congress include all products issued to Congress, including reports, memoranda, and other products.						
3. Products issued to Department Senior management include all products issued to Department Senior management, including reports, memoranda, and other products.						
4. Percent of Department High Risk Areas addressed: High Risk Areas are defined as areas identified in the Department's High Risk Areas report.						
5. Reports and recommendations include all reports and recommendations issued by the Department, including reports, memoranda, and other products.						
6. Reports and recommendations include all reports and recommendations issued by the Department, including reports, memoranda, and other products.						
7. Reports and recommendations include all reports and recommendations issued by the Department, including reports, memoranda, and other products.						
B. Factors Affecting FY 96 Program Performance						
Two difficult, lengthy, budget uncertainty, and severe budget constraints resulted in a number of debilitating systemic issues, including a hiring freeze and limited travel.						
C. Factors Affecting Selection of FY 97, 98, and 99 Targets						
** Assumes that the OIG receives requested FTE from the Voluntary Leave Reduction Trust Fund at R.D. 25 in FY 1998 and FY 1999.						

GENERAL GOAL #2: Improve and better monitor and protect the nation's justice system.

OFFICE OF THE INSPECTOR GENERAL		PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1995 Actual	1996 Actual	1997 Target	1998 Target	1999 Target
Input	1. Total number of cases filed 2. Investigations in progress 3. Reports for State investigations and review	5,757 1,471 43	6,253 1,510 112	6,250 1,500 22	6,250 1,500 24	6,250 1,500 27
Output/Activity	4. Referrals made to components 5. Referrals made received to the file 6. Investigations filed 7. Special investigations filed 8. Internal investigations and procedures for Department component 9. Internal investigations and procedures for Department component 10. Internal investigations and procedures for Department component 11. Internal investigations and procedures for Department component 12. Internal investigations and procedures for Department component 13. Internal investigations and procedures for Department component 14. Internal investigations and procedures for Department component 15. Internal investigations and procedures for Department component 16. Internal investigations and procedures for Department component 17. Internal investigations and procedures for Department component 18. Internal investigations and procedures for Department component 19. Internal investigations and procedures for Department component 20. Internal investigations and procedures for Department component 21. Internal investigations and procedures for Department component 22. Internal investigations and procedures for Department component 23. Internal investigations and procedures for Department component 24. Internal investigations and procedures for Department component 25. Internal investigations and procedures for Department component 26. Internal investigations and procedures for Department component 27. Internal investigations and procedures for Department component 28. Internal investigations and procedures for Department component 29. Internal investigations and procedures for Department component 30. Internal investigations and procedures for Department component 31. Internal investigations and procedures for Department component 32. Internal investigations and procedures for Department component 33. Internal investigations and procedures for Department component 34. Internal investigations and procedures for Department component 35. Internal investigations and procedures for Department component 36. Internal investigations and procedures for Department component 37. Internal investigations and procedures for Department component 38. Internal investigations and procedures for Department component 39. Internal investigations and procedures for Department component 40. Internal investigations and procedures for Department component 41. Internal investigations and procedures for Department component 42. Internal investigations and procedures for Department component 43. Internal investigations and procedures for Department component 44. Internal investigations and procedures for Department component 45. Internal investigations and procedures for Department component 46. Internal investigations and procedures for Department component 47. Internal investigations and procedures for Department component 48. Internal investigations and procedures for Department component 49. Internal investigations and procedures for Department component 50. Internal investigations and procedures for Department component 51. Internal investigations and procedures for Department component 52. Internal investigations and procedures for Department component 53. Internal investigations and procedures for Department component 54. Internal investigations and procedures for Department component 55. Internal investigations and procedures for Department component 56. Internal investigations and procedures for Department component 57. Internal investigations and procedures for Department component 58. Internal investigations and procedures for Department component 59. Internal investigations and procedures for Department component 60. Internal investigations and procedures for Department component 61. Internal investigations and procedures for Department component 62. 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Internal investigations and procedures for Department component 91. Internal investigations and procedures for Department component 92. Internal investigations and procedures for Department component 93. Internal investigations and procedures for Department component 94. Internal investigations and procedures for Department component 95. Internal investigations and procedures for Department component 96. Internal investigations and procedures for Department component 97. Internal investigations and procedures for Department component 98. Internal investigations and procedures for Department component 99. Internal investigations and procedures for Department component 100. Internal investigations and procedures for Department component	4,758 3 955 38 54 1,898 63 38 112 101 172 98 134	4,800 4 950 46 100 1,900 60 15 146 121 180 129 131	4,800 5 980 51 110 1,900 60 15 140	4,800 5 980 51 110 1,900 60 15 140	4,800 5 980 51 110 1,900 60 15 140
Intermediate Outcome	12. Activities 13. Investigations Information 14. Average # of cases in investigation system 15. Cases closed 16. Administrative cases taken by components	112 101 172 98 134	146 121 180 129 131	140 104 190 115 140	145 112 200 125 150	145 112 200 125 150
End Outcome	17. Administrative cases taken by components	155 112 200 125 150	155 112 200 125 150	150 100 190 115 140	150 112 200 125 150	150 112 200 125 150
A. Definitions of Terms or Explanations for Indicators						
2. Investigations include full investigations and ancillary investigations in time during the year						
12. An Information is a formal accusation of a crime made by a prosecuting attorney, as distinguished from an indictment handed down by a grand jury						
B. Factors Affecting FY 96 Program Performance						
1. Factors extended to include more information in FY 1996. FY 1995 results reflect previously reported information, including a limited travel and limited travel						
2. Factors Affecting Selection of FY 97, 98, and 99 Targets						

GENERAL NOTE # 3 Host relationships with customers based on a special commissioning program and effectiveness

OFFICE OF THE INSPECTOR GENERAL						
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1994 Actual	1994 Actual	1992 Target	1993 Target	1999 Target
Output-Activity	1. Percent of workdays devoted to requests from Department components as part of the workload. 2. Customer surveys conducted. 3. Customer satisfaction regarding all OIG mission & response. 4. Number of field office complaints regarding the Inspector General's activities. 5. Number of field office complaints regarding the Inspector General's personnel. 6. Number of times a field office complaint was responded to in person. 7. Number of times a field office complaint was responded to in writing. 8. Number of times a field office complaint was responded to in person.	•	44%	36%	36%	36%
Intermediate Outcomes	1. Progress toward: a. Fiscal Report in a timely manner (quarterly). b. Fiscal audit results addressed (quarterly).	•	21%	35%	35%	35%
End Outcome	1. 60% follow-up of field office complaints from field office. 2. 60% follow-up of field office complaints from field office.	•	7	8	10	10
B. Definitions of Terms or Explanations for Indicators						
* Information not available. 1. Includes Audit and Inspection Divisions. 2. Each Division conducts its own customer surveys.						
B. Factors Affecting FY 96 Program Performance						
Two findings, largely related to accuracy and error, budget constraints, resulted in a number of budgetary activities, including a hiring freeze and limited travel.						
C. Factors Affecting Selection of FY 95, 96, and 99 Targets						
** Assumes that the Office receives requested FTO from the Auditor General within 100 days of the request, and that the Auditor General's report is received by the Inspector General within 100 days of the request.						

JUSTIFICATION FOR VCRIF TRANSFER REQUEST

Although not technically a program change, the OIG is requesting that the Attorney General be authorized to transfer up to one tenth of one percent of DOJ's VCRIF funding for oversight work on those programs. These funds will enable us to expand the coverage, monitoring, and oversight of the various Crime Bill programs and related grants during the coming years. Present OIG resources have been used to assist in the early stages of several of the COPS initiatives, but these resources are too limited to ensure that the VCRIF funds are spent appropriately and achieve their intended purposes. We propose a level of activity that will enable the OIG to form an opinion on at least part of the Crime Bill programs. We believe that this objective will provide deference and will enable the Department to obtain OIG examination of selected problem or troubled grants and programs. We believe the one tenth of one percent formula provides an extremely modest level of resources to help ensure the integrity and efficiency of these programs, particularly when viewed against the potential for risk. As stated earlier, we anticipate this level of funding will prove sufficient to support 25 FTE in FY 1998 and an additional 15 FTE in FY 1999.

The positions will be staffed in OIG regional audit offices nationwide, including Washington, D.C., to strengthen and enhance what is currently severely limited coverage of the programs and grants funded by the VCRIF. Priority areas of Crime Bill funding, as articulated by the Congress and the Attorney General, will be specifically targeted. Due to the size of the grant programs, geographic distribution of the grant recipients, and the requests of the Department's Community Oriented Policing Office (COPS), the OIG will use these resources to specifically target the following programs:

- ◆ Community Oriented Policing Services (COPS) -- between FY 1995 and FY 2000, total program costs are projected at \$8.8 billion.
- ◆ Violent Offender Incarceration -- total program funding is projected at almost \$4 billion through FY 2000.
- ◆ Truth in Sentencing -- total program funding is projected at almost \$4 billion by FY 2000.
- ◆ Violence Against Women Act -- during the FY 1997 OIG budget hearings, the House Appropriations subcommittee identified this program as an area of concern.

These programs represent over \$17.0 billion in projected costs over the life of the grant programs. With the requested positions, the OIG expects to complete approximately 100 audits in FY 1998. Of these projected 100 grant audits, we expect to devote 75 percent of the resources to conducting audits of COPS grants. The OIG has been working with the Department's COPS office in the development of a monitoring plan for COPS grants. Due to extremely limited resources and myriad operational demands, we have only been able to tentatively schedule 20 COPS grants for audit in FY 1997. To date, over 9,000 grants have been awarded, leaving an unacceptable percentage of COPS grants with little or no Departmental oversight.

Other Crime Bill programs and grants also require Departmental oversight. Thus, 10 percent of the requested resources will be devoted to Violent Offender Incarceration grants. Another 10 percent will be allocated for Truth in Sentencing grants. The remaining 5 percent of requested resources will be for the Violence Against Women Act grants. Clearly, these percentages could be modified depending on a risk determination balanced against Departmental priorities.

OFFICE OF THE INSPECTOR GENERAL
Salaries and Expenses
Financial Analysis--Program Changes
(Dollars in Thousands)

There are no program changes for FY 1998

OFFICE OF THE INSPECTOR GENERAL
Salaries and Expenses
1998 Priority Ranking

BASE PROGRAM		PROGRAM INCREASES AND DECREASES	
PROGRAM	RANKING	PROGRAM	RANKING
Audits	1	There are no program changes for FY 1998	
Investigations	2		
Inspections	3		
Program Support	4		

OFFICE OF THE INSPECTOR GENERAL
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996		1997		1998	
	Auth	Reimb	Auth	Reimb	Auth	Reimb
Personnel Management [200 299]	7		7		7	
General Admin. & Clerical [100 399]	109	1	109	1	109	1
Accounting & Budget [500 599]	80	50	80	50	80	78
Attorneys (905)	4		8		8	
Business & Industry [1100 1199]	1		1		1	
Investigative Assistants [1802]	8		8		8	
Criminal Investigators Series [1811]	112	21	113	25	113	25
Total	325	72	326	76	326	104
Washington	119	34	120	37	120	•
U.S. Field	206	39	206	39	206	•
Total	325	72	326	76	326	104

Net Targeted Positions						
Supervisors	75		75		75	
Personnel Specialists	7		7		7	
Budget Specialists	1		1		1	
Accountants & Auditors	117		117		117	
Acquisition Specialists	1		1		1	
Headquarters Staff	99		99		99	

• The mix of Headquarters, Washington, D.C., and field allocations won't be known until these positions are filled.

OFFICE OF THE INSPECTOR GENERAL
Salaries and Expenses
Schedule of Motor Vehicles

Method of Acquisition and Type of Vehicle	1995 End of Year Inventory	1996		1997		1998	
		Disposed	Acquired	Disposed	Acquired	Disposed	Acquired
Direct Purchase							
Van	10						
Pickup	1						
Subtotal Purchased	11						
Leased							
Compact sedan	8	8	22	22	22	22	22
Midsize sedan	61	61	42	43	39	41	45
Fullsize sedan	8	8	6	6	6	6	6
Stationwagon			0		0		0
Utility	15	15	24	23	20	20	23
Subtotal Leased	92	92	94	94	87	89	96
Total Vehicles	103	92	94	105	8	87	89
					8	87	107

OFFICE OF THE INSPECTOR GENERAL
Salaries and Expenses
Summary of Agents and/or Attorneys and Support Positions/Workyears
1997 - 1998

APPROPRIATED POSITIONS

1997 Enacted				
Agents	Attorneys	Support		
Pos	FTE	Pos	FTE	Pos FTE
90	87	7	7	229 218

1998 Increases and Decreases				
Agents	Attorneys	Support		
Pos	FTE	Pos	FTE	Pos FTE

1998 Request Level				
Agents	Attorneys	Support		
Pos	FTE	Pos	FTE	Pos FTE
90	87	7	7	229 218

REIMBURSABLE POSITIONS

1997 Enacted				
Agents	Attorneys	Support		
Pos	FTE	Pos	FTE	Pos FTE
25				51

1998 Increases and Decreases				
Agents	Attorneys	Support		
Pos	FTE	Pos	FTE	Pos FTE
				28

1998 Request Level				
Agents	Attorneys	Support		
Pos	FTE	Pos	FTE	Pos FTE
0	25	0	0	0 73

TOTAL POSITIONS

1997 Enacted				
Agents	Attorneys	Support		
Pos	FTE	Pos	FTE	Pos FTE
90	112	7	7	229 269

1998 Increases and Decreases				
Agents	Attorneys	Support		
Pos	FTE	Pos	FTE	Pos FTE
0	0	0	0	0 28

1998 Request Level				
Agents	Attorneys	Support		
Pos	FTE	Pos	FTE	Pos FTE
90	112	7	7	229 297

Office of the Inspector General
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in Thousands)

	Pos.	WTY	Amount
Increases:			
1. 1998 pay raise This request provides for the proposed 2.8 percent pay raise to be effective in January 1998 and is consistent with Administration policy included in the President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$653,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$500,000 for pay and \$153,000 for benefits).		...	653
2. Annualization and Increase of 1997 pay raise This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$176,000, represents the pay amounts for the first quarter of the year plus appropriate benefits (\$134,000 for pay and \$42,000 for benefits).		...	176
3. Within-grade increases This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population that includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization (\$270,000 for pay and \$81,000 for benefits).		...	351
4. Mileage allowance rate increase The mileage allowance rate has increased from 30 to 31 cents per mile. An increase of \$6,000 is requested in 1998 to cover this rate adjustment.		...	6
			150

Justification of Adjustments to Base (Continued)
(Dollars in Thousands)

	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>
5 Correspondence Management System An increase of \$3,000 is required to fund costs associated with the Attorney General's Correspondence Management System. This new system provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved record keeping, and improved reporting capability.		3	
6 Investigation/Reinvestigation Executive Order 10450 "Security Requirements for Government Employees" requires that appointments of each civilian officer or employee in any department or agency of the Government shall be made subject to a background investigation. Additional funding is required to cover the costs of additional contractor support needed to ensure timely compliance with this Executive Order. It is critical to accommodate the Department's security requirements by ensuring background investigations and reinvestigations are timely initiated on appointed civilian officers and employees.		1	
7 General pricing level adjustments This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.		61	
Total mandatory increases		1,251	
Decreases:			
1 One-time transfer for High Intensity Drug Trafficking Areas (HIDTA) amount		-25	
Total Adjustments to Base			1,226

OFFICE OF INSPECTOR GENERAL
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1996 Actual		1997 Authority		1998 Request		Increase in the Service	
	Pos & Wys	Amount	Pos & Wys	Amount	Pos & Wys	Amount	Pos & Wys	Amount
Executive Level IV \$115,700	1		1		1			
ES 5, \$121,100	1		1		1			
ES 4, \$119,850	3		4		4			
ES 3, \$113,751	1		2		2			
ES 2, \$108,824	1		2		2			
ES 1, \$103,897	25		26		26			
GS 15, \$75,915.94 714	40		42		42			
GS 14, \$64,555.63 972	11		12		12			
GS 13, \$54,894.59 775	30		32		32			
GS 12, \$46,330.49 831	9		9		9			
GS 11, \$38,330.49 831	1		1		1			
GS 10, \$34,887.45 266	13		14		14			
GS 9, \$31,880.41 185	11		11		11			
GS 8, \$28,681.37 290	10		10		10			
GS 7, \$25,867.33 667	3		3		3			
GS 6, \$23,305.30 204	2		2		2			
GS 5, \$20,606.27 183	10		10		10			
GS 4, \$18,687.24 298	2		2		2			
GS 3, \$16,847.21 641								
GS 2, \$15,000.00 100								
GS 1, \$13,150.00 100								
Total Pay Rate	278	10,873	285	11,267	293	11,559	0	159
Total appropriated positions								
Pay above stated annual rates								
Lapses	(13)	(1,290)	(13)	(1,290)	(13)	(1,290)	0	(1)
Savings due to lower pay scales for part of year								
Net full time permanent	265	18,793	280	17,879	280	18,734	0	925
Other than permanent								
Part time permanent	2	61	2	61	2	61	0	2
Temporary employment	1	31	1	31	1	31	0	2
Other than part time students & internment	11	268	11	263	11	264	0	11
Other personal compensation								
Overpayment	1	22	1	26	1	27	0	1
Leave Encumbrance Availability Pay	18	1,244	16	1,140	16	1,053	0	67
Other compensation	1	20	1	31	1	32	0	1
Special personal services payments								
Total Workyears & personal compensation	298	19,447	312	18,851	312	20,462	0	2
Average ES Salary		\$13,115		\$11,790		\$11,906		\$11,906
Average GS Salary		\$24,231		\$25,104		\$25,104		\$25,104
Average GS Grade		11.89		12.14		12.14		12.14

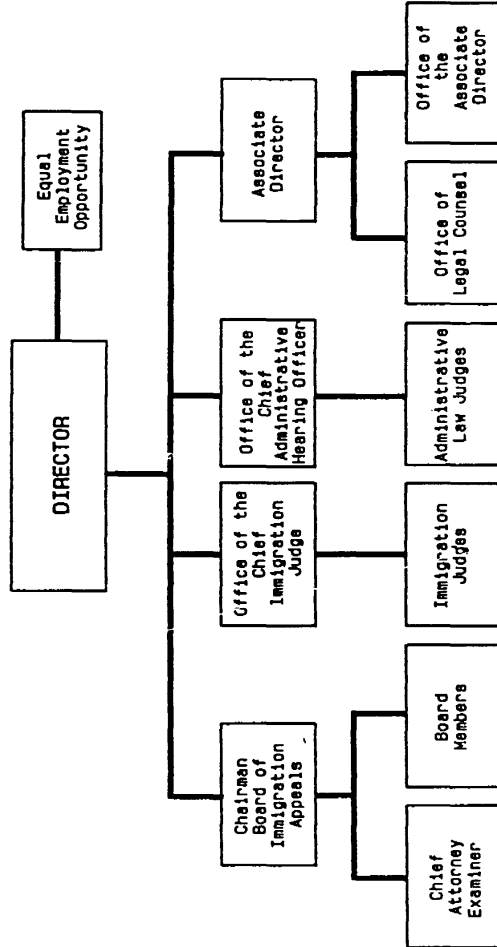
OFFICE OF THE INSPECTOR GENERAL
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(\$ 000s)

Object Class	1996 Actual		1997 Authorized		1998 Request		Increase/Decrease	
	Wys	Amount	Wys	Amount	Wys	Amount	Wys	Amount
11.1 Total workyears & personnel compensation	266	\$18,062	280	\$17,809	280	\$18,734	0	\$925
11.3 Other than full time permanent	14	340	14	348	14	363	0	15
11.5 Other personnel compensation	18	1,295	18	1,643	18	1,712	0	69
11.8 Special personal services payments		50		51		53	0	2
Total	298	19,747	312	19,851	312	20,862	0	1,011
Reimbursable workyears								
Full time permanent	[72]		[76]		[104]		[28]	
Other Object Classes								
12.0 Personnel benefits	4,053		4,135		4,309			174
13.0 Benefits to former personnel	104		107		107			
21.0 Travel and transportation of persons	1,892		2,019		2,025			6
22.0 Transportation of things	66		70		70			
23.1 GSA rent	3,080		3,346		3,346			
23.2 Other Rents	39				0			
23.3 Comm. Util. & other misc charges	648		691		691			
24.0 Printing and reproduction	31		32		32			
25.1 Advisory and Assistance services	175		188		188			
25.2 Other Services	124		125		125			
25.3 Purchases of goods & svc from Gov't accounts	470		512		556			46
25.6 Medical Care	40		35		35			
25.7 Operations & Maintenance of Equipment	105		109		109			
26.0 Supplies and materials	396		423		418		(5)	
31.0 Equipment	302		322		317		(5)	
42.0 Claims & indemnities			20		20			
Total obligations	31,272		31,985		33,211			1,226
Relation of Obligation to Outlays								
Total obligations	31,272		31,985		33,211			
Obligated balance start of year	1,952		3,835		1,919			
Obligated balance end of year	(3,635)		(1,901)		(1,997)			
Outlays	29,389		33,901		33,133			

Department of Justice
Administrative Review and Appeals
Estimates for Fiscal Year 1998
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EXECUTIVE OFFICE FOR IMMIGRATION REVIEW



Approved: *Janet Reno* Date: 05/17/95
 JANET RENO
 Attorney General

**Administrative Review and Appeals
Salaries and Expenses
Summary Statement
Fiscal Year 1998**

The Administrative Review and Appeals appropriation is requesting, for 1998, a total of \$70,007,000, 520 permanent positions and 524 workyears. This represents an increase of \$7,007,000, 2 positions and 50 workyears over the 1997 appropriation enacted. This appropriation contains the Executive Office for Immigration Review and the Office of the Pardon Attorney.

Executive Office for Immigration Review

The Executive Office for Immigration Review (EOIR) is headed by the Office of the Director and is responsible for the general supervision of the Board of Immigration Appeals, the Office of the Chief Immigration Judge, and the Office of the Chief Administrative Hearing Officer. The Board of Immigration Appeals adjudicates appeals from decisions of Immigration Judges and certain officials of the Immigration and Naturalization Service (INS) in a wide variety of immigration proceedings. The Office of the Chief Immigration Judge manages the operations of Immigration Judges located in thirty-eight field offices nationwide. Generally, Immigration Judges hold hearings to establish the immigration status of aliens, including criminal aliens, and those seeking asylum as a form of relief from deportation. The Office of the Chief Administrative Hearing Officer manages the operations of EOIR's Administrative Law Judges, who adjudicate cases arising from the employer sanctions, discrimination, and document fraud provisions of immigration law.

The request includes a modest increase which will enable EOIR to respond to an increasing workload associated with the implementation of the Electronic Freedom of Information Act Amendments of 1996.

Office of the Pardon Attorney

The Office of the Pardon Attorney (OPA) receives, investigates, and considers petitions for all forms of Executive clemency and serves as the principal liaison with the general public in clemency matters. OPA also responds to controlled communications referred from the Department's Executive Secretariat and the White House. The OPA request includes an increase for the modernization of its computer system.

Administrative Review and Appeals

Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Administrative Review and Appeals

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, \$62,000. For an additional amount for security measures for the Executive Office of Immigration Review, \$1,000,000: Provided, that the entire amount is designated by Congress as an emerging requirement pursuant to section 251 (b) (2) (D) (i) of the Balanced Budget, and Emergency Deficit Control Act of 1985, as amended] \$70,007,000.

Explanation of change

1. Deleted language relates to the emergency requirement in 1997.

Administrative Review and Appeals
Salaries and Expenses
Crosswalk of 1997 Changes
(Dollars in Thousands)

	1997 President's Budget Request		1997 Congressional Action*		Reprogramming		1997 Appropriation Anticipated	
	Est	WY Amount	Est	WY Amount	Est	WY Amount	Est	WY Amount
1. Executive Office for Immigration Review	566	71,896	(63)	(23)	..	..	503	459
2. Office of the Pardon Attorney	13	1,513	..	..	..	..	13	1,481
Total	581	73,411	(63)	(23)	0	0	518	474

* 1997 Congressional Action reduced funding. However, Congress did provide \$1481 for the Office of the Pardon Attorney and for the Executive Office for Immigration Review (EOIR). \$6496 is included to support 24 additional immigration judges for border control and removal of criminal and non-criminal aliens. \$1935 is for 20 additional attorneys for the Board of Immigration Appeals. \$1500 is for ADP systems modernization, and \$1000 is for enhanced building and court security.

Administrative Review and Appeals
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Est.	WY Amount	Est.	WY Amount	Est.	WY Amount	WY	Amount
Collections by SOURCE.								
Immigration and Naturalization Service		5,000		1,200		1,200		0
Budgetary Resources		3,000		1,200		1,200		0
Obligations by PROGRAM.								
Executive Office for Immigration Review		5,000		1,200		1,200		0
Total		5,000		1,200		1,200		0

The Executive Office for Immigration Review received \$5,000,000 in 1996 and will receive \$1,200,000 in both 1997 and 1998 for costs associated with interpreter and transcription contracts, key elements of the immigration adjudication process.

Administrative Review and Appeals
Salaries and Expenses
Records Performance Information
Government Performance and Results Act Requirements

MISSION: The Attorney General is charged with the administration and enforcement of the Immigration and Nationality Act of 1952 and all other laws relating to the immigration and naturalization of aliens, including the Immigration Reform and Control Act of 1986, the Immigration Act of 1990, the Violent Crime Control and Law Enforcement Act of 1994, and most recently, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The Attorney General has delegated certain aspects of her authority to administer and interpret the immigration laws to the Executive Office for Immigration Review (EOIR). Generally, EOIR's mission is to provide a uniform interpretation and application of immigration law, ensuring fair treatment for all parties involved.

GENERAL GOALS:

1. To expedite all immigration cases for which EOIR is responsible, including cases involving detained aliens, criminal aliens, and aliens seeking asylum as a form of relief from deportation or exclusion, while ensuring the standards of due process and fair treatment for all parties involved.
2. To fully implement the case processing and adjudication provisions of the Comprehensive Asylum Reform Initiative, rendering immigration judge decisions in all new asylum cases within 180 days of the date of filing.
3. To fully implement the case processing goals of the Expedited Deportation of Criminal Aliens Initiative, rendering decisions in all criminal alien cases prior to each alien's release from incarceration.
4. To increase productivity by streamlining procedures and implementing management improvements.

NOTE: IIRIRA, the key provisions of which become effective on April 1, 1997, extensively revises the Immigration and Nationality Act and amends the current immigration hearing process. "Deportation" and "exclusion" cases described herein will continue for those aliens charged prior to April 1, 1997. Aliens subsequently charged will be subject to "removal" proceedings which will replace deportation and exclusion hearings.

**Administrative Review and Appeals
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)**

	Para. EOA.	FTE	Amount
ACTIVITY: EOIR			
1997 Appropriation Anticipated	518	474	\$63,000
1998 Base	518	523	69,867
- 998 Estimate	520	524	70,007

Base Program Description: EOIR, headed by the Office of the Director, is responsible for the general supervision of the Board of Immigration Appeals, the Office of the Chief Immigration Judge, and the Office of the Chief Administrative Hearing Officer. The Office of the Associate Director provides legal and administrative support to the Director and to the three adjudicative components. Operations include thirty-eight field offices located nationwide.

The volume, nature and geographic concentration of Immigration Judge, Administrative Law Judge and appellate caseload is entirely dependant upon external factors, primarily the enforcement, investigation, adjudication and detention policies and actions of the Immigration and Naturalization Service (INS).

The following provides more detailed information concerning the responsibilities and activities of EOIR's components:

Board of Immigration Appeals

Under the direction of the Chairman, the Board hears appeals from decisions of Immigration Judges and certain decisions of INS officers in a wide variety of proceedings in which the Government of the United States is one party and the other party is either an alien, a citizen or a business firm. The Board is directed to exercise its independent judgment in hearing appeals for the Attorney General and provides a nationally uniform application of the Immigration laws, both in terms of the interpretation of the law and the exercise of the significant discretion vested in the Attorney General. The majority of cases before the Board involve appeals from orders of Immigration Judges entered in deportation and exclusion proceedings.

The appeals from the decisions of INS officers reviewed by the Board principally involve appeals from familial visa petition denials and decisions involving administrative fines. The Board also renders decisions on applications by organizations that have requested permission to practice before the Board, the Immigration Judges, and INS and renders decisions on individual applications by employees of such organizations.

The Board's mission requires that national policies, as reflected in immigration laws, be identified, considered, and integrated into its decisional process. The Board plays the major role in interpreting the immigration laws of this country, an area of law the courts have characterized as uniquely complex. Processing increasing caseload has been a challenging task in a time of almost constant major legislative action in the immigration field. The Board has provided the principal interpretation of the Immigration Reform and Control Act of 1986 (IRCA), the Immigration Amendments of 1988, the Anti-Drug Abuse Act of 1988, and the Immigration Act of 1990 (IMACT 90). Two of these laws (IRCA and IMACT 90) represented the most fundamental restructuring of the Immigration and Nationality Act since its enactment in 1952 and have presented a myriad of new issues of statutory construction. The Board has issued interpretive decisions and, has then reinterpreted the Act as the laws have been redrafted.

In response to the continuously increasing caseload associated with various administration initiatives and legislative developments, the Board has initiated a variety of management and regulatory improvements designed to increase efficiency and productivity. A key initiative has been the expansion of the Board from five to fifteen members, allowing the consideration of appeals using five panels. Further, Board attorney staff has been restructured into eight discrete teams, each assigned directly to a Board panel. These structural changes have improved caseload management, accountability and communication.

In addition to management initiatives, EOIR has continued to improve programs through the regulatory process. As an example, the new Motions and Appeals Regulation, signed by the Attorney General on April 16, 1998 and effective on July 1, 1998, streamlined the motions and appeals practice before the Board by requiring that appeals from Immigration Judge decisions and motions to reopen and reconsider decisions by the Board be filed directly with the Board. These provisions have allowed the Board to assume direct control of filings, replacing a cumbersome and decentralized system of filing at INS District Offices. Further, the regulation establishes time and number limitations on motions to reopen and on motions to reconsider.

The Board continues to experience a dramatic rise in caseload, increasing from the 12,774 appeals received in 1992 to 20,423 in 1996, representing a 60% increase. Receipts for 1997 and 1998 are projected to exceed 24,000 and 26,000 appeals, respectively, representing an increase of over 100% since 1992. The expansion of INS enforcement programs requested for 1998 will add approximately 1,700 appeals annually to the Board.

Office of the Chief Immigration Judge

The Chief Immigration Judge provides overall program direction, articulates policy, and establishes priorities for the Immigration Judges located in thirty-eight field offices throughout the United States. Generally, Immigration Judges hold hearings to determine the status of an alien. Exclusion hearings are held when aliens are believed to be inadmissible to the United States. The Immigration Judge's order may admit or exclude an alien, or permit withdrawal of the application for admission. Deportation hearings are held in cases where an alien's status is challenged after entry into the United States. The Immigration Judge may order the alien deported; grant relief from deportation such as voluntary departure, suspension of deportation, registry, adjustment of status, political asylum or waiver of deportability; or, if the Immigration Judge decides that deportability has not been established, terminate the proceedings. Bond redetermination hearings are held when an alien in custody seeks release on his or her own recognizance or a reduction in the amount of the bond.

EOIR's responsibilities under Section 701 of IRCA require the coordination and conduct of civil deportation and exclusion proceedings to adjudicate the immigration status of alien inmates incarcerated by Federal, state and municipal correctional authorities as a result of convictions for criminal offenses. Through the Criminal Alien Institutional Hearing Program (CAIHP), EOIR currently has programs coordinated and in place in all 50 states, Puerto Rico, the District of Columbia and selected municipalities and Bureau of Prisons facilities. The CAIHP is a key component of a variety of initiatives designed to expedite the removal of criminal aliens and involves close coordination with the INS, BOP and state and local correctional authorities.

A new initiative announced by the Attorney General in May, 1995, established a pilot program in which the INS identifies deportable criminal aliens prior to their release from the Los Angeles County Jail. The INS assumes custody of these aliens, issues charging documents and brings them before Immigration Judges for deportation hearings. EOIR has established special court sessions in Los Angeles which focus on the expedited processing of these cases. Following an evaluation of the pilot, this initiative has become a permanent and highly successful program and has been expanded to include other local systems such as Dade Co., Florida.

Another initiative that targets criminal aliens is the Port Court program, begun in 1995. Port Court is a joint effort by several agencies within the Department of Justice (U.S. Attorneys, EOIR, and the INS) to identify, detain, and expeditiously adjudicate cases and effect the removal of criminal aliens as they attempt to enter this country through the various ports of entry in Southern California. The objectives of Port Court are twofold. First, by entering orders of exclusion against aliens, they can immediately be released from detention and deported to their country of nationality. This avoids additional detention costs that would otherwise be borne by U.S. taxpayers. Secondly, by removing criminal aliens from detention, additional bed space becomes available in prisons and detention facilities. This, in turn, allows the government to prosecute and incarcerate other criminals who must be removed from society. The success of this program has led to its expansion to include proceedings involving non-criminal as well as criminal aliens. As an example, EOIR and INS established a "port court" at the Miami International Airport on July 1, 1996.

Asylum reform has streamlined the procedures involved in processing asylum cases, integrated INS and EOIR processes, and eliminated duplicative adjudications. Claims that are not approved by INS are automatically referred to EOIR's Immigration Judges who conduct full asylum adjudications in the context of deportation or exclusion hearings. The new asylum procedures, which became effective in January, 1995, include provisions limiting the INS approval of employment authorization to those aliens who have gained asylum or whose applications are not adjudicated within 180 days of their filing date. As a consequence, the success of asylum reform is largely dependent upon the ability of Immigration Judges to render decisions within these timeframes. Absent that ability, the benefit of work authorization would accrue to thousands of aliens not otherwise entitled. Currently, Immigration Judges are completing 95% of the new expedited asylum adjudications within the 180-day timeframe.

EOIR has coordinated the implementation of expanded programs with the INS to ensure the optimal placement of resources based upon the volume and geographic concentration of asylum and criminal alien workload. This

includes the expansion of a majority of field offices and the establishment of several new offices. EOIR's ADP system has been modified to facilitate the implementation of asylum reform by enhancing case tracking capabilities, e.g., the tracking of case processing times, and by allowing all local and regional INS asylum offices access to the system. Among other benefits, these improvements have allowed the introduction of two key case processing initiatives. First, INS personnel are able to access the AMSIR system and schedule cases for Immigration Judge hearings immediately upon their decisions to refer asylum claims to EOIR. Second, INS regional service centers are able to access the AMSIR database to ascertain the status of cases in order to determine the eligibility of aliens for employment authorization. Further, EOIR has coordinated with INS to enable the "download" of a wide range of case information which will assist several service programs.

EOIR has also been active in the regulatory area. EOIR published regulations which include provisions allowing the use of stipulated deportations, thereby enabling the expedited deportation of criminal aliens in applicable cases. Regulations have also been published which codify the practice of Immigration Judges conducting telephonic hearings and the authority of Immigration Judges to hold video electronic hearings. Most recently, EOIR worked closely with the Service in publishing the IIRRA regulations on January 3, 1997.

Finally, in keeping with the customer service goals of the National Performance Review, EOIR has established an electronic phone system (1-800 number) to provide ready access to Immigration Court information such as hearing dates, times and locations, status of asylum cases, Immigration Judge decisions and case appeal dates. The system, provided in English and Spanish, reduces the time required for the public to obtain information and schedules. Also included is information explaining the new Motions and Appeals Regulation.

Administration initiatives continue to have a significant impact upon EOIR's Immigration Judge program. During 1996, EOIR received a total of 163,443 Immigration Judge cases. This figure included approximately 18,000 pre-reform asylum cases and 14,000 criminal alien (INA) cases. In 1995, Immigration Judge workload increased to over 211,000 case receipts and in 1996 EOIR's Judges received 262,572 cases, representing a 6% increase since 1994. INS enforcement initiatives planned for 1997 and requested for 1998 will bring an estimated 30,000 additional cases by 1998. As a consequence, it is reasonable to assume that the Immigration Judge caseload will amount to well over 300,000 annual receipts by 1998.

Office of the Chief Administrative Hearing Officer

The Chief Administrative Hearing Officer provides overall program direction, articulates policies and procedures, and establishes priorities for the Administrative Law Judges (ALJs) appointed pursuant to 5 U.S.C. 3105 to adjudicate cases arising under Sections 101 and 102 of IRCA. Section 101 provides for sanctions against employers or entities who: (1) hire, recruit or refer for a fee or continue to employ unauthorized aliens; (2) refuse to comply with the employment verification system; or (3) require the execution of an indemnity bond to protect themselves from potential liability for unlawful employment practices. Section 102 provides for the imposition of penalties against employers who discriminate against any individual (other than an unauthorized alien) in employment-related situations because of the individual's national origin or citizenship status. Such judicial proceedings are initiated by complaints filed with the Office of the Chief Administrative Hearing Officer and assigned to ALJs. Complaints are filed by: (1) (101 cases)--the Immigration and Naturalization Service; (2) (102 cases)--the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC); or (3) (102 cases) if OSC declines a case,

an aggrieved party or a representative.

The ALJs hold hearings and related administrative proceedings and render decisions on the complaints assigned to them. They impose sanctions and penalties as prescribed by law in appropriate cases and may, where warranted, award attorney's fees, back pay, and issue cease and desist orders. The Chief Administrative Hearing Officer may conduct administrative reviews and takes the final agency action with respect to cases decided by ALJs under Section 101, and certifies ALJs who hear Section 102 cases as having received the requisite training in employment discrimination matters. In addition, pursuant to provisions of the Immigration Act of 1990, ALJs conduct hearings involving immigration document fraud, an area of increasing emphasis. Currently EOIR's ALJ program receives approximately 200 cases annually, a figure which is expected to rise as a result of a variety of INS workforce enforcement and related initiatives.

INITIATIVES

EOIR	Perm. Foll.	FY	Amount
Electronic Freedom of Information Amendments of 1996	2	1	\$ 106

Proposed Actions

To respond to the increased demands resulting from EFOIA.

Program Changes:

Over the last several years, EOIR has experienced a five-fold increase in FOIA requests, including many involving statistical reports, policy memoranda, personnel records and court calendars. The implementation of the EFOIA will increase workload both in terms of the number of requests received and the complexity of those requests. To successfully respond to these requests, EOIR will require additional paralegal and legal technician positions.

**Administrative Review and Appeals
Salaries and Expenses
Justification of Program And Performance**
(Dollars in Thousands)

	Pers. Pos.	FTE	Amount
Office of the Pardon Attorney	15	15	\$1,481
1997 Appropriation Anticipated	15	15	\$1,523
1998 Base	15	15	\$1,557
1998 Estimate	0	0	\$ 34
Increase/Decrease			

Base Program Description: Acting on delegated authority from the Attorney General, it is the responsibility of the Office of the Pardon Attorney to receive and review all executive clemency petitions, conduct the necessary investigation in conjunction with other Departmental and extra-Departmental components, and prepare the Attorney General's recommendation to the President.

Accomplishment and Workload:

	Actual 1994	Projected 1997	Projected 1998
Petitions pending, begin of year	1,039	1,180	1,130
Petitions received	512	550	600
Petitions disposed	371	600	700
Correspondence processed	5,047	5,050	5,050

Program Changes:

Office of the Pardon Attorney

Pers. Pos.	FTE	Amount
...	...	\$34

This increase seeks to address the following objectives:

- 1) The objective of this increase is to enhance the efficiency of OPA through the migration of OPA onto the Justice Consolidated Office Network.

A total of \$34,000, no positions and no FTE, are needed to allow OPA to modernize its computer system. This will allow OPA to respond effectively to its high volume and increasingly complex caseload, and maintain efficient communication with other Department components.

Performance Measurement Table: Presented by General Goal

General Goal 1: Asylum Reform: Streamline Asylum Processing to Expeditiously Complete All Asylum Cases, While Ensuring Fair Treatment to All Parties						
Performance Indicator Information		Performance Targets and Actual Results				
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
Input	1. Expedited Asylum Cases Received	N/A	10,234	30,947	50,000	60,000
Output/Activity	2. Expedited Asylum Cases Completed	N/A	5,932	22,113	50,000	60,000
Intermediate Outcome	3. % of Expedited Asylum Cases Completed within 180 days from Initial Receipt at the Department of Justice	N/A	99%	95%	99%	99%
End Outcome	4. Number of Frivolous Claims Filed at Asylum Offices Decreases and Legitimate Claims are Expedited	N/A	*	*	*	*

• See INS Regarding Statistical Information Regarding End Outcomes

January 31, 1997

<p>GENERAL GOAL 1: Asylum Reform: Streamline asylum processing to expeditiously complete all asylum cases, while ensuring fair treatment to all parties.</p>	<p>A. Definitions of Terms or Explanation for Indicators: Expedited Asylum Cases include cases where the initial asylum application was filed and the charging document was issued post reform. This includes both affirmative claims where the application was originally filed with INS and referred to EOIR and defensive claims where the alien files an asylum application during the proceedings before the Immigration Judge. In FY96 expedited asylum cases represent a subset of the 83,000 total number of asylum cases received. Outyear inputs are based on INS estimates.</p> <p>B. Factors Affecting Performance: In FY 95 the INS asylum office referred a small fraction of the cases they projected would be referred. The Judges were easily able to accommodate the caseload at the lower level. In FY96, at the higher level of receipts, the IJs were still able to complete 95% within the timeline goals.</p> <p>C. Factors Affecting FY 96 and FY 97 Targets: The volume, nature, and geographic concentration of EOIR's caseload is entirely dependent upon external factors, primarily the enforcement, adjudication, and detention policies and actions of the INS.</p>
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Performance Measurement Table: Presented by General Goal

General Goal 2: Complete All Institutional Hearing Program (IHP) Cases Prior to the Alien's Earliest Possible Release Date While Ensuring Fair Treatment to All Parties						
Performance Indicator Information		Performance Targets and Actual Results				
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
Input	1. IHP Cases Received	13,277	15,686	14,176	20,000	25,000
Output/Activity	2. IHP Cases Completed	11,123	15,690	14,188	20,000	25,000
Intermediate Outcome	3. % of IHP Cases Completed by IJs Prior to the Alien's Earliest Possible Release Date	91.5%	93.4%	94.0%	95.0%	95.0%
End Outcome	4. Fewer Crimes Committed by Aliens	*	*	*	*	*

* See INS Regarding Statistical Information Regarding End Outcomes

<p>GENERAL GOAL 2: Complete all Institutional Hearing Program Cases prior to the Aliens Earliest Possible Release Date, while ensuring due process.</p>
<p>A. Definitions of Terms or Explanation for Indicators: IIP Cases include all cases in which the charging document is served on the Immigration Court while the alien is incarcerated in a federal, state, or municipal facility as a result of a criminal conviction. Immigration Judges travel to these facilities to hear the cases prior to the alien's release from incarceration. This does not include aliens criminally charged who are either in INS custody or have been released from custody. Outyear input figures are based on INS estimates.</p>
<p>B. Factors Affecting Program Performance: The volume, nature, and geographic concentration of EOIR's IIP caseload is contingent on the allocation of INS investigative resources to identify and charge incarcerated aliens with immigration violations and serve the charging documents in EOIR.</p>
<p>C. Factors Affecting Targets: The volume, nature, and geographic concentration of EOIR's IIP caseload is contingent on the allocation of INS investigative resources to identify and charge incarcerated aliens with immigration violations and serve the charging documents in EOIR.</p>

Performance Measurement Table: Presented by General Goal

General Goal 3: Handle All Other Immigration Cases for Which EOIR is Responsible in a Timely Manner, While Ensuring Fair Treatment to All Parties						
Performance Indicator Information		Performance Targets and Actual Results				
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
Input	1. Total Matters Receipts	177,894	229,070	262,807	300,000	325,000
Output/Activity	2. Total Matters Completed	158,752	202,963	244,703	300,000	325,000
Intermediate Outcome	3. Detained Cases:					
	a. Without Applications for Relief, % Completed by IJs Within 30 Days	94%	91%	92%	95%	95%
	b. With Applications for Relief % Completed by IJs Within 3 Months	58%	51%	53%	60%	65%
	c. Appeals, % Completed by BIA Within 2 Months of Receipt at BIA	80%	85%	63%	89%	91%
	4. Non-Detained Cases:					
End Outcome	a. % Having an Initial Hearing Within 3 Months of Receipt	68%	57%	56%	70%	70%
	b. % Completed Within 8 Months of the Initial Hearing	83%	81%	84%	85%	85%
	5. Cases are adjudicated timely, aliens ordered deported are removed timely, thus discouraging illegal immigration	*	*	*	*	*

* See INS Regarding Statistical Information Regarding End Outcomes

<p>GENERAL GOAL 3: Handle all other immigration cases for which EOIR is responsible in a timely manner, while ensuring fair treatment for all parties.</p>	<p>A. Definitions of Indicators: Indicators 1 and 2 reflect all cases, appeals, and related matters received and completed by the Board, the Immigration Judges, and the Administrative Law Judges. Regarding indicators 3A - C, all deportation cases require a finding by the Judge whether or not an alien is deportable as charged by INS. In many instances, once a determination of deportability has been made, the alien files an application for relief from deportation such as asylum, adjustment of status or suspension of deportation. These cases generally take longer to complete and require a separate hearing on the merits of the application. Therefore, the timeline goals are set based on whether or not an application for relief has been filed.</p>
<p>B. Factors Affecting Performance: The volume, nature, and geographic concentration of EOIR's case/load is entirely dependent upon external factors, primarily the enforcement, adjudication, and detention policies and actions of the INS.</p>	<p>C. Factors Affecting Targets: The volume, nature, and geographic concentration of EOIR's case/load is entirely dependent upon external factors, primarily the enforcement, adjudication, and detention policies and actions of the INS.</p>

Administrative Review and Appeals
Salaries and Expenses
Financial Analysis--Program Changes
(Dollars in Thousands)

Item	EFOIA		Ofc. of the Pardon Attorney		TOTAL	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grade:						
GS-9.....	1	110			1	110
GS-7.....	1	102			1	102
Total Positions & Annual Rate.....	2	212			2	212
Lapse (-).....	-1	-106			-1	-106
Other Personnel Compensation.....						
Total Workyears and Personnel Compensation.....	1	106			1	106
Personnel Benefits.....		0				0
Travel & Transportation.....		0				0
GSA rent.....		0				0
Comm., utilities, and misc charges.....		0				0
Printing.....		0				0
Other services.....		0				0
Supplies and materials.....		0				0
Equipment.....		0		34		34
Total program workyears & obligations changes requested, 1998.....	1	106		34	1	140

Administrative Review and Appeals Salaries and Expenses 1998 Priority Ranking			
BASE PROGRAM		PROGRAM INCREASES	
Program	Ranking	Program	Ranking
Executive Office for Immigration Review	1	Electronic Freedom of Information	1
Office of the Pardon Attorney	2		

Administrative Review and Appeals
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Year 1996 - 1998

Category	1996	1997	1998
	Authorized	Authorized	Program Increases Authorized
Attorneys (905).....	143	178	0
Paralegal Specialists (950).....	3	3	1
Other Legal Kindred (900-991).....	105	137	0
Personnel Management (200-299).....	1	1	0
General Administrative and Clerical (100-599).....	103	136	1
Accounting and Budget (500-599).....	3	3	0
Information and Arts Group (1000-1099).....	60	60	0
Supply Group (2000-2099).....	0	0	0
Other Miscellaneous (001-099).....	0	0	0
Total	418	518	2
Washington.....	143	143	2
U.S. Field.....	275	375	0
Total	418	518	2

Administrative Review and Appeals
Salaries and Expenses
Summary of Agents and/or Attorneys and Support Positions
FY 1997-1998

Appropriated Positions	1997 Appropriation Anticipated						1998 Program Change						1998 Request Level					
	Attorneys			Support			Attorneys			Support			Attorneys			Support		
	Pos.	FTE	Total	Pos.	FTE	Total	Pos.	FTE	Total	Pos.	FTE	Total	Pos.	FTE	Total	Pos.	FTE	Total
Division Unit																		
Board of Immigration Appeals	48	45	93	93	87	180	0	0	0	0	0	0	48	45	93	93	87	180
Office of the Chief Immigration Judge	108	110	218	209	210	417	0	0	0	0	0	0	108	110	218	209	210	417
Office of the Chief Administrative Hearing Officer	9	13	22	18	26	44	0	0	0	0	0	0	9	13	22	18	26	44
Office of the Division	6	5	11	12	12	24	0	0	0	0	0	0	6	5	11	12	12	24
Office of the Federal Attorney	7	7	14	8	8	16	0	0	0	2	1	3	7	7	14	10	9	19
Total	178	180	358	340	343	698	0	0	0	2	1	3	178	180	358	342	344	686

Administrative Review and Appeals
Salaries and expenses
Summary of Change
(Dollars in thousands)

	Perm	Work-	Amounts
1997 as enacted	518	474	61,000
Adjustments to base:			
Increases:			
1998 Pay Raise:			
Annualization of 1997 Positions		49	817
Annualization of 1997 Pay Raise			5,064
Within Grade Increases			175
Correspondence Tracking			616
Investigation/Reinvestigation			9
General Pricing Level Adjustments			2
Total Increases		49	184
1998 Base	518	523	69,867
Program Changes	2	1	140
1998 Estimate	520	524	70,007

Administrative Review and Appeals Salaries and Expenses Justification of Adjustments to Base (Dollars in Thousands)			Pos.	Work- year	Amount
Adjustments to base:					
Increases:					
1. 1998 Pay Raise	This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the 1998 President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$817, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$572 for pay and \$245 for benefits = \$817).				817
2. Annualization of 1997 Pay Raise	This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested \$175, represents the pay amounts for the first quarter of the year plus appropriate benefits (\$122 for pay and \$53 for benefits)				175
3. Within-grade Increase	This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$431 for pay and \$185 for benefits				616

	Pos.	Work- years	Amount
4 Annualization of 1997 Positions		49	\$ 5,064
Annual salary rate of 99 approved positions			5,584
Less Lapse			(2,792)
Net Compensation			2,792
Associated employee benefits			837
Other (non-personnel)			9,302
			1,685
			5,064
5 General Pricing Level (GPL) Adjustments			184
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			
6 Correspondence Management System			9
An increase of \$9,000 is required in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. This new system, which provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved record keeping, and improved reporting capability.			

	Pos.	Work- years	Amount
7. Investigation/Reinvestigation			2
Executive Order 10450 "Security Requirements for Government Employees"			
requires that appointments of each civilian officer or employee in an			
any department or agency of the Government shall be made subject			
to investigation. Additional funding is required to cover the costs of			
additional contractor support needed to ensure timely compliance			
with this Executive Order. It is critical to accommodate the			
Department's security requirements by ensuring investigations			
and reinvestigations are timely initiated on newly appointed civilian			
officers and employees.			
Total increases.....	0	49	6,867
Total adjustments to base.....	0	49	6,867

Administrative Review and Appeals
Salaries and Expenses
Summary of Requirements by Grade and Request (last
(Dollar in thousands)

	1996 Actual			1997 Estimate			1998 Request			Interim Request		
	Pos. #	W-31	Amount	Pos. #	W-31	Amount	Pos. #	W-31	Amount	Pos. #	W-31	Amount
Grades and salary ranges												
ES-6, \$122,040	1	1		1	1					0		
ES-5, \$117,927	2	1		1	1					0		
ES-4, \$113,180	1	2		1	3					1		
ES-3, \$107,179	0	1		0	0					(1)		
ES-2, \$102,718	1	1		1	1					0		
AL-3, \$79,326 - \$122,040	3	4		4	4					0		
SL-3, \$110,851 - \$113,850	4	4		4	4					0		
GS-6, \$15,379,482 - \$95,516	109	142		142	142					0		
GS-6, \$14,519,920 - \$81,197	29	29		29	29					0		
GS-6, \$13,500,766 - \$68,211	16	16		16	16					0		
GS-12, \$42,641 - \$57,784	18	18		18	18					0		
GS-11, \$35,578 - \$48,211	55	57		57	57					0		
GS-10, \$32,382 - \$41,888	0	0		0	0					0		
GS-9, \$29,405 - \$37,859	24	37		37	38					1		
GS-8, \$26,632 - \$36,072	21	34		34	34					0		
GS-7, \$24,038 - \$32,571	78	91		91	92					1		
GS-6, \$21,632 - \$29,114	49	53		53	53					0		
GS-5, \$19,407 - \$26,101	17	30		30	30					0		
GS-4, \$17,346 - \$23,493	6	6		6	6					0		
GS-3, \$15,452 - \$20,945	0	0		0	0					0		
GS-2, \$14,161 - \$18,572	0	0		0	0					0		
Locality Pay												
1997 Pay Rate	0	0		0	0	\$12			\$12	0		

Administrative Review and Appeals
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	WAL	Amount	WAL	Amount	WAL	Amount	WAL	Amount
11.1 Full-time permanent	253	8,698 *	418	28,248	468	30,965	50	2,717
11.3 Other than full-time permanent	57	2,389	56	1,846	56	1,922	0	126
11.5 Other personnel compensation	10	374	10	261	10	246	0	25
Total	320	11,362	484	30,355	534	33,233	50	2,868
12 Personnel benefits		6,508		6,512		6,517		655
13 Benefits for former personnel		3		4		4		0
21 Travel and transportation of persons		3,559		1,153		1,275		122
22 Transportation of things		447		399		330		21
23.1 GSA rent		7,476		7,779		8,567		788
23.2 Communications, utilities and miscellaneous charges		2,040		1,262		1,431		139
24 Printing and reproduction		554		288		311		23
25.1 Advisory and assistance services		0		0		0		0
25.2 Other services		4,308		11,581		13,513		1,910
25.3 Purchase of goods & services from fiscal accounts		0		0		0		0
25.4 Operation and maintenance of facilities		0		0		0		0
25.5 Research and development contracts		0		0		0		0
25.6 Medical care		0		0		0		0
25.7 Operation and maintenance of equipment		0		0		0		0
25.8 Subsistence and support of persons		0		0		0		0
26 Supplies and materials		1,803		1,447		1,272		125
31 Equipment		1,099		3,110		3,463		333
42 Insurance claims		12		28		31		3

■

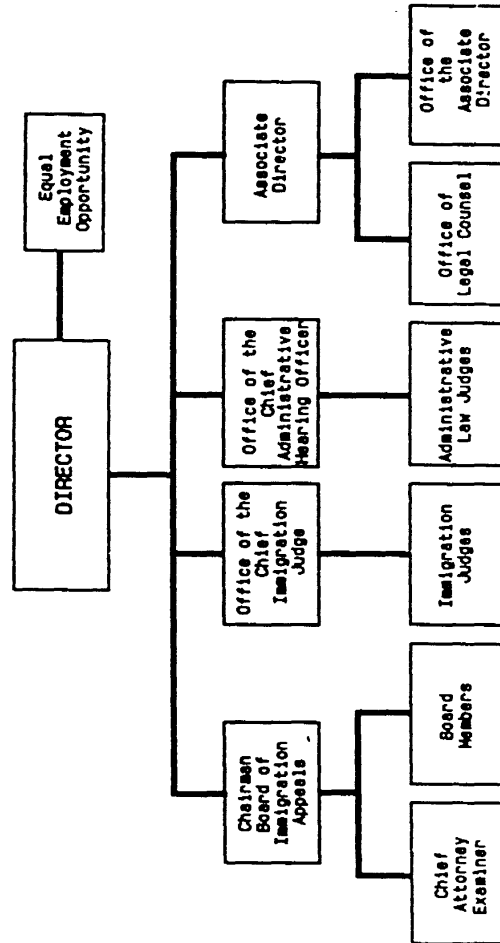
Total obligations	37,081	63,000	70,007	7,007
Relation of Obligations to Outlays				
Total obligations	37,081	63,000	70,007	
Obligated balance, start of year	0	(1,919)	5,081	
Obligated balance, end of year	1,919	(5,081)	(6,081)	
Outlays	39,000	56,000	69,000	

* Obligations in (1) were transferred from Direct to Crime. However, Max does not reflect the FTE transfers

Department of Justice
Violent Crime Reduction Program
Administrative Review and Appeals
Estimates for Fiscal Year 1998
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EXECUTIVE OFFICE FOR IMMIGRATION REVIEW



Approved: *Janet Reno* Date: 05/17/95
 JANET RENO
 Attorney General

**Violent Crime Reduction Program
Administrative Review and Appeals
Summary Statement
Fiscal Year 1998**

The Violent Crime Reduction Program (VCRP)/Administrative Review and Appeals appropriation is requesting a total of \$59,251,000, 617 permanent positions and 583 workyears. This represents an increase of \$11,251,000, 103 positions and 52 workyears over the 1997 appropriation enacted.

Executive Office for Immigration Review

The Executive Office for Immigration Review (EOIR) is headed by the Office of the Director and is responsible for the general supervision of the Board of Immigration Appeals, the Office of the Chief Immigration Judge, and the Office of the Chief Administrative Hearing Officer. The Board of Immigration Appeals adjudicates appeals from decisions of Immigration Judges and certain officials of the Immigration and Naturalization Service (INS) in a wide variety of immigration proceedings. The Office of the Chief Immigration Judge manages the operations of Immigration Judges located in thirty-eight field offices nationwide. Generally, Immigration Judges hold hearing to establish the immigration status of aliens, including criminal aliens and those seeking asylum as a form of relief from deportation.

Program increases include 28 Immigration Judges, 12 Board attorneys and necessary legal support positions. The request is made in coordination with proposed INS enforcement initiatives and in response to the Service's implementation of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA).

Violent Crime Reduction Program
Administrative Review and Appeals

Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Administrative Review and Appeals

For activities authorized by section 130003 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, [\$48,000,000] \$59,251,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

Explanation of changes

1. No substantive changes proposed.

	1997 President's Budget Request			1997 Congressional Action*			Reprogramming			1997 Appropriation Anticipated		
	Est.	M.Y.	Amount	Est.	M.Y.	Amount	Est.	M.Y.	Amount	Est.	M.Y.	Amount
Violent Crime Reduction Program												
Administrative Review and Appeals												
Salaries and Expenses												
Continuity of 1997 Changes												
(Dollars in Thousands)												
1. Executive Office for Immigration Review												
Violent Crime Reduction Program	514	531	52,847	...	...	(4,847)	...	...	...	514	531	48,000

* The 1997 Congressional Action reduced funding.

Violent Crime Reduction Program
Administrative Review and Appeals
Salaries and Expenses
Program Performance Information
Government Performance and Results Act Requirements

MISSION: The Attorney General is charged with the administration and enforcement of the Immigration and Nationality Act of 1952 and all other laws relating to the immigration and naturalization of aliens, including the Immigration Reform and Control Act of 1986, the Immigration Act of 1990, the Violent Crime Control and Law Enforcement Act of 1994, and most recently, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The Attorney General has delegated certain aspects of her authority to administer and interpret the immigration laws to the Executive Office for Immigration Review (EOIR). Generally, EOIR's mission is to provide a uniform interpretation and application of immigration law, ensuring fair treatment for all parties involved.

GENERAL GOALS:

1. To expedite all immigration cases for which EOIR is responsible, including cases involving detained aliens, criminal aliens, and aliens seeking asylum as a form of relief from deportation or exclusion, while ensuring the standards of due process and fair treatment for all parties involved.
2. To fully implement the case processing and adjudication provisions of the Comprehensive Asylum Reform initiative, rendering Immigration Judge decisions in all new asylum cases within 180 days of the date of filing.
3. To fully implement the case processing goals of the Expedited Deportation of Criminal Aliens initiative, rendering decisions in all criminal alien cases prior to each alien's release from incarceration.
4. To increase productivity by streamlining procedures and implementing management improvements.

NOTE: IIRIRA, the key provisions of which become effective on April 1, 1997, extensively rewrites the Immigration and Nationality Act and amends the current immigration hearing process. "Deportation" and "exclusion" cases described herein will continue for those aliens charged prior to April 1, 1997. Aliens subsequently charged will be subject to "removal" proceedings which will replace deportation and exclusion hearings.

**Violent-Crisis Reduction Program
Administrative Review and Appeals
Selection and Promotion
Justification of Program and Performance
(Dollars in Thousands)**

ACTIVITY: EOIR		FYS		Amount
		Pers. Est.	FYS	
	1997 Appropriation Anticipated	514	531	\$48,000
	1998 Base	514	531	49,251
	1998 Estimate	617	583	59,251

Base Program Description: EOIR, headed by the Office of the Director, is responsible for the general supervision of the Board of Immigration Appeals, the Office of the Chief Immigration Judge, and the Office of the Chief Administrative Hearing Officer. The Office of the Associate Director provides legal and administrative support to the Director and to the three adjudicative components. Operations include thirty-eight field offices located nationwide.

The volume, nature and geographic concentration of Immigration Judge, Administrative Law Judge and appellate caseload is entirely dependent upon external factors, primarily the enforcement, investigation, adjudication and detention policies and actions of the Immigration and Naturalization Service (INS).

The following provides more detailed information concerning the responsibilities and activities of EOIR's components:

Board of Immigration Appeals

Under the direction of the Chairman, the Board hears appeals from decisions of Immigration Judges and certain decisions of INS officers in a wide variety of proceedings in which the Government of the United States is one party and the other party is either an alien, a citizen or a business firm. The Board is directed to exercise its independent judgment in hearing appeals for the Attorney General and provides a nationally uniform application of the immigration laws, both in terms of the interpretation of the law and the exercise of the significant discretion vested in the Attorney General. The majority of cases before the Board involve appeals from orders of Immigration Judges entered in deportation and exclusion proceedings.

The appeals from the decisions of INS officers reviewed by the Board principally involve appeals from familial visa petition denials and decisions involving administrative fines. The Board also renders decisions on applications by organizations that have requested permission to practice before the Board, the Immigration Judges, and INS and renders decisions on individual applications by employees of such organizations.

The Board's mission requires that national policies, as reflected in immigration laws, be identified, considered, and integrated into its decisional process. The Board plays the major role in interpreting the immigration laws of this country, an area of law the courts have characterized as uniquely complex. Processing increasing caseload has been a challenging task in a time of almost constant major legislative action in the immigration field. The Board has provided the principal interpretation of the Immigration and Nationality Act of 1952 (INA), the Immigration Act of 1966 (IRCA), the Anti-Drug Abuse Act of 1988, and the Immigration Act of 1990 (IMACT 90). Two of these laws (IRCA and IMACT 90) represented the most fundamental restructuring of the Immigration and Nationality Act since its enactment in 1952 and have presented a myriad of new issues of statutory construction. The Board has issued interpretive decisions and has then reinterpreted the Act as the laws have been redrafted.

In response to the continuously increasing caseload associated with various Administration initiatives and legislative developments, the Board has initiated a variety of management and regulatory improvements designed to increase efficiency and productivity. A key initiative has been the expansion of the Board from five to fifteen members, allowing the consideration of appeals using five panels. Further, Board attorney staff has been restructured into eight discrete teams, each assigned directly to a Board panel. These structural changes have improved caseload management, accountability and communication.

In addition to management initiatives, EOIR has continued to improve programs through the regulatory process. As an example, the new Motions and Appeals Regulation, signed by the Attorney General on April 16, 1996 and effective on July 1, 1996, streamlined the motions and appeals practice before the Board by requiring that appeals from Immigration Judge decisions and motions to reopen and reconsider decisions by the Board be filed directly with the Board. These provisions have allowed the Board to assume direct control of filings, replacing a cumbersome and decentralized system of filing at INS District Offices. Further, the regulation establishes time and number limitations on motions to reopen and on motions to reconsider.

The Board continues to experience a dramatic rise in caseload, increasing from the 12,774 appeals received in 1992 to 20,423 in 1996, representing a 60% increase. Receipts for 1997 and 1998 are projected to exceed 24,000 and 26,000 appeals, respectively, representing an increase of over 100% since 1992. The expansion of INS enforcement programs requested for 1998 will add approximately 1,700 appeals annually to the Board.

Office of the Chief Immigration Judge

The Chief Immigration Judge provides overall program direction, articulates policy, and establishes priorities for the Immigration Judges located in thirty-eight field offices throughout the United States. Generally, Immigration Judges hold hearings to determine the status of an alien. Exclusion hearings are held when aliens are believed to be inadmissible to the United States. The Immigration Judge's order may admit or exclude an alien, or permit withdrawal of the application for admission. Deportation hearings are held in cases where an alien's status is challenged after entry into the United States. The Immigration Judge may order the alien deported; grant relief from deportation such as voluntary departure, suspension of deportation, registry, adjustment of status, political asylum or waiver of deportability; or, if the Immigration Judge decides that deportability has not been established, terminate the proceedings. Bond redetermination hearings are held when an alien in custody seeks release on his or her

own recognition or a reduction in the amount of the bond.

BOIR's responsibilities under Section 701 of IECA require the coordination and conduct of civil deportation and exclusion proceedings to adjudicate the immigration status of alien inmates incarcerated by Federal, state and municipal correctional authorities as a result of convictions for criminal offenses. Through the Criminal Alien Institutional Hearing Program (IHP), BOIR currently has programs coordinated and in place in all 50 states, Puerto Rico, the District of Columbia and selected municipalities and Bureau of Prisons facilities. The IHP is a key component of a variety of initiatives designed to expedite the removal of criminal aliens and involves close coordination with the INS, DOJ and state and local correctional authorities.

A new initiative announced by the Attorney General in May, 1995, established a pilot program in which the INS identifies deportable criminal aliens prior to their release from the Los Angeles County Jail. The INS assumes custody of these aliens, issues charging documents and brings them before Immigration Judges for deportation hearings. BOIR has established special court sessions in Los Angeles which focus on the expedited processing of these cases. Following an evaluation of the pilot, this initiative has become a permanent and highly successful program and has been expanded to include other local systems such as Dade Co., Florida.

Another initiative that targets criminal aliens is the Port Court program, begun in during 1995. Port Court is a joint effort by several agencies within the Department of Justice (U.S. Attorneys, BOIR, and the INS) to identify, detain, and expeditiously adjudicate cases and effect the removal of criminal aliens as they attempt to enter this country through the various ports of entry in Southern California. The objectives of Port Court are twofold. First, by entering orders of exclusion against aliens, they can immediately be released from detention and deported to their country of nationality. This avoids additional detention costs that would otherwise be borne by U.S. taxpayers. Secondly, by removing criminal aliens from detention, additional bed space becomes available in prisons and detention facilities. This, in turn, allows the government to prosecute and incarcerate other criminals who must be removed from society. The success of this program has led to its expansion to include proceedings involving non-criminal as well as criminal aliens. As an example, BOIR and INS established a "port court" at the Miami International Airport on July 1, 1996.

Asylum reform has streamlined the procedures involved in processing asylum cases, integrated INS and EOIR processes, and eliminated duplicative adjudications. Claims that are not approved by INS are automatically referred to EOIR's Immigration Judges who conduct full asylum adjudications in the context of deportation or exclusion hearings. The new asylum procedures, which became effective in January, 1995, include provisions limiting the INS approval of employment authorization to those aliens who have gained asylum or whose applications are not adjudicated within 180 days of their filing date. As a consequence, the success of asylum reform is largely dependent upon the ability of Immigration Judges to render decisions within these timeframes. Absent that ability, the benefit of work authorization would accrue to thousands of aliens not otherwise entitled. Currently, Immigration Judges are completing 95% of the new expedited asylum adjudications within the 180-day timeframe.

EOIR has coordinated the implementation of expanded programs with the INS to ensure the optimal placement of resources based upon the volume and geographic concentration of asylum and criminal alien workload. This includes the expansion of a majority of field offices and the establishment of several new offices. EOIR's ADP system has been modified to facilitate the implementation of asylum reform by enhancing case tracking capabilities, e.g., the tracking of case processing times, and by allowing all local and regional INS asylum offices access to the system. Among other benefits, these improvements have allowed the introduction of two key case processing initiatives. First, INS personnel are able to access the ANSIR system and schedule cases for Immigration Judge hearings immediately upon their decisions to refer asylum claims to EOIR. Second, INS regional service centers are able to access the ANSIR database to ascertain the status of cases in order to determine the eligibility of aliens for employment authorization. Further, EOIR has coordinated with INS to enable the "download" of a wide range of case information which will assist several service programs.

EOIR has also been active in the regulatory area. EOIR published regulations which include provisions allowing the use of stipulated deportations, thereby enabling the expedited deportation of criminal aliens in applicable cases. Regulations have also been published which codify the practice of Immigration Judges conducting telephonic hearings and the authority of Immigration Judges to hold video electronic hearings. Most recently, EOIR worked closely with the Service in publishing the IIRIRA regulations on January 1, 1997.

Finally, in keeping with the customer service goals of the National Performance Review, EOIR has established an electronic phone system (1-800 number) to provide ready access to Immigration Court information such as hearing dates, times and locations, status of asylum cases, Immigration Judge decisions and case appeal dates. The system, provided in English and Spanish, reduces the time required for the public to obtain information and schedules. Also included is information explaining the new Motions and Appeals Regulation.

Administration initiatives continue to have a significant impact upon EOIR's Immigration Judge program. During 1994, EOIR received a total of 163,443 Immigration Judge cases. This figure included approximately 18,000 pre-reform asylum cases and 14,000 criminal alien (CRA) cases. In 1995, Immigration Judge workload increased to over 211,000 case receipts and in 1996 EOIR's Judges received 262,572 cases, representing a 61% increase since 1994. INS enforcement initiatives planned for 1997 and requested for 1998 will bring an estimated 30,000 additional cases by 1998.

Office of the Chief Administrative Hearing Officer

The Chief Administrative Hearing Officer provides overall program direction, articulates policies and procedures, and establishes priorities for the Administrative Law Judges (ALJs) appointed pursuant to 5 U.S.C. 3105 to adjudicate cases arising under Sections 101 and 102 of IRCA. Section 101 provides for sanctions against employers or entities who: (1) hire, recruit or refer for a fee or continue to employ unauthorized aliens; (2) refuse to comply with the employment verification system; or (3) require the execution of an indemnity bond to protect themselves from potential liability for unlawful employment practices. Section 102 provides for the imposition of penalties against employers who discriminate against any individual (other than an unauthorized alien) in employment-related situations because of the individual's national origin or citizenship status. Such judicial proceedings are initiated by complaints filed with the Office of the Chief Administrative Hearing Officer and assigned to ALJs. Complaints are filed

by: (1) (101 cases)--the Immigration and Naturalization Service; (2) (102 cases)--the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC); or (3) (102 cases) if OSC declines a case, an aggrieved party or a representative.

The ALJs hold hearings and related administrative proceedings and render decisions on the complaints assigned to them. They impose sanctions and penalties as prescribed by law in appropriate cases and may, where warranted, award attorney's fees, back pay, and issue cease and desist orders. The Chief Administrative Hearing Officer may conduct administrative reviews and takes the final agency action with respect to cases decided by ALJs under section 101, and certifies ALJs who hear section 102 cases as having received the requisite training in employment discrimination matters. In addition, pursuant to provisions of the Immigration Act of 1990, ALJs conduct hearings involving immigration document fraud, an area of increasing emphasis. Currently EOIR's ALJ program receives approximately 200 cases annually, a figure which is expected to rise as a result of a variety of INS website enforcement and related initiatives.

INITIATIVES

EOIR	Perm. Pos.	FTE	Amount
Coordination With INS 1998 Initiatives	78	39	\$7,600
AEDPA	25	13	2,400
	103	52	10,000

Proposed Actions

These initiatives seek to address the following objectives:

1. To support and respond to INS' proposed enforcement initiatives, each of which will generate thousands of additional Immigration Judge cases and BIA appeals. Without coordinating sufficient adjudications resource increases with INS enhancements, the effectiveness of the initiatives is severely curtailed.
2. To adjudicate case increases resulting from the Department's response to AEDPA, i.e., increases in Service detention bedspaces.

Program Changes:

Coordination With INS Initiatives - INS has developed the following initiatives for 1998 which, taken together, will increase Immigration Judge caseload by 20,000 cases and BIA caseload by 1,700 appeals annually: 1) Border Control and Facilitation; 2) Removal of Criminal and Non-Criminal Aliens; and, 3) Interior Deterrence. EOIR's portion of these initiatives includes 21 Immigration Judges, 7 BIA attorneys, and the required legal and clerical support positions.

The three initiatives are fully explained in the INS 1998 Congressional Submission. In general, the Service is requesting additional Border Patrol, Detention and Deportation, Investigations, and Legal Proceedings positions in support of a variety of goals, including the following:

- to expand the Southwest Border Initiative
- to identify, detain and remove greater numbers of criminal and non-criminal deportable aliens
- to expand detention facility bedspace
- to continue the Port Court initiative
- to enhance worksite enforcement
- to expand interior investigations and removals
- to expand county and local jail initiatives

Critical to the success of these initiatives will be the ability of EOIR to process the resulting Immigration Judge and appellate caseload in a timely fashion. INS removal goals are, in large measure, inextricably tied to EOIR's adjudication process. Similarly, the efficient utilization of enhanced detention capacity is dependent upon the expedited processing of Immigration Judge and appellate caseload, thereby maximizing the number of aliens INS is able to process through the facilities.

AEDPA - The Department's response to the Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA) includes an increase of Service detention bedspace. The resulting annual workload for EOIR is estimated to be approximately 7,000 new Immigration Judge cases and 600 new appeals for the BIA. The effectiveness of INS detention enhancements is largely dependent upon EOIR's ability to adjudicate the resulting caseload. This initiative requires an increase of 7 Immigration Judges, 3 BIA attorneys, and related support positions.

Performance Measurement Table: Presented by General Goal

General Goal 1: Asylum Reform: Streamline Asylum Processing to Expeditiously Complete All Asylum Cases, While Ensuring Fair Treatment to All Parties							
Performance Indicator Information		Performance Targets and Actual Results					
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target	
Input	1. Expedited Asylum Cases Received	N/A	10,234	30,947	50,000	60,000	
Output/Activity	2. Expedited Asylum Cases Completed	N/A	5,932	22,313	50,000	60,000	
Intermediate Outcome	3. % of Expedited Asylum Cases Completed within 180 days from Initial Receipt at the Department of Justice	N/A	99%	95%	99%	99%	
End Outcome	4. Number of Frivolous Claims Filed at Asylum Offices Decreases and Legitimate Claims are Expedited	N/A	*	*	*	*	

• See INS Regarding Statistical Information Regarding End Outcomes

January 21, 1997

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<p>GENERAL GOAL 1: Asylum Reform: Streamline asylum processing to expeditiously complete all asylum cases, while ensuring fair treatment to all parties.</p>	<p>A. Definitions of Terms or Explanation for Indicators: Expedited Asylum Cases include cases where the initial asylum application was filed and the charging document was issued post reform. This includes both affirmative claims where the application was originally filed with INS and referred to EOIR and defensive claims where the alien files an asylum application during the proceedings before the Immigration Judge. In FY96 expedited asylum cases represent a subset of the 83,000 total number of asylum cases received. Outyear inputs are based on INS estimates.</p>
<p>B. Factors Affecting Performance: In FY 95 the INS asylum office referred a small fraction of the cases they projected would be referred. The Judges were easily able to accommodate the caseload at the lower level. In FY96, at the higher level of receipts, the IJs were still able to complete 95% within the timeline goals.</p>	<p>C. Factors Affecting FY 96 and FY 97 Targets: The volume, nature, and geographic concentration of EOIR's caseload is entirely dependent upon external factors; primarily the enforcement, adjudication, and detention policies and actions of the INS.</p>

Performance Measurement Table: Presented by General Goal

General Goal 2: Complete All Institutional Hearing Program (IHP) Cases Prior to the Alien's Earliest Possible Release Date While Ensuring Fair Treatment to All Parties						
Performance Indicator Information		Performance Targets and Actual Results				
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
Input	1. IHP Cases Received	13,277	15,686	14,176	20,000	25,000
Output/Activity	2. IHP Cases Completed	11,123	15,690	14,188	20,000	25,000
Intermediate Outcome	3. % of IHP Cases Completed by IJs Prior to the Alien's Earliest Possible Release Date	91.5%	93.4%	94.0%	95.0%	95.0%
End Outcome	4. Fewer Crimes Committed by Aliens	*	*	*	*	*

* See INS Regarding Statistical Information Regarding End Outcomes

<p>GENERAL GOAL 2: Complete all Institutional Hearing Program Cases prior to the Aliens Earliest Possible Release Date, while ensuring due process.</p>
<p>A. Definitions of Terms or Explanation for Indicators: IIP Cases include all cases in which the charging document is served on the Immigration Court while the alien is incarcerated in a federal, state, or municipal facility as a result of a criminal conviction. Immigration Judges travel to these facilities to hear the cases prior to the alien's release from incarceration. This does not include aliens criminally charged who are either in INS custody or have been released from custody. Outyear input figures are based on INS estimates.</p>
<p>B. Factors Affecting Program Performance: The volume, nature, and geographic concentration of EOIR's IIP caseload is contingent on the allocation of INS investigative resources to identify and charge incarcerated aliens with immigration violations and serve the charging documents in EOIR.</p>
<p>C. Factors Affecting Targets: The volume, nature, and geographic concentration of EOIR's IIP caseload is contingent on the allocation of INS investigative resources to identify and charge incarcerated aliens with immigration violations and serve the charging documents in EOIR.</p>

Performance Measurement Table: Presented by General Goal

General Goal 3: Handle All Other Immigration Cases for Which EOIR is Responsible in a Timely Manner, While Ensuring Fair Treatment to All Parties						
Performance Indicator Information		Performance Targets and Actual Results				
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
Input	1 Total Matters Receipts	177,894	229,970	262,807	300,000	325,000
Output/Activity	2 Total Matters Completed	158,752	202,963	244,703	300,000	325,000
Intermediate Outcome	3 Detained Cases:					
	a Without Applications for Relief, % Completed by IJs Within 30 Days	94%	91%	92%	95%	95%
	b With Applications for Relief % Completed by IJs Within 3 Months	58%	51%	53%	60%	65%
	c Appeals, % Completed by BIA Within 2 Months of Receipt at BIA	80%	85%	63%	89%	91%
End Outcome	4 Non-Detained Cases:					
	a % Having an Initial Hearing Within 3 Months of Receipt	68%	57%	56%	70%	70%
	b % Completed Within 8 Months of the Initial Hearing	83%	81%	84%	85%	85%
	5 Cases are adjudicated timely, aliens ordered deported are removed timely, thus discouraging illegal immigration	*	*	*	*	*

* See INS Regarding Statistical Information Regarding End Outcomes

<p>GENERAL GOAL 3: Handle all other immigration cases for which EOIR is responsible in a timely manner, while ensuring fair treatment for all parties.</p>	<p>A. Definitions of Indicators: Indicators 1 and 2 reflect all cases, appeals, and related matters received and completed by the Board, the Immigration Judges, and the Administrative Law Judges. Regarding indicators 3A - C, all deportation cases require a finding by the Judge whether or not an alien is deportable as charged by INS. In many instances, once a determination of deportability has been made, the alien files an application for relief from deportation such as asylum, adjustment of status or suspension of deportation. These cases generally take longer to complete and require a separate hearing on the merits of the application. Therefore, the timeline goals are set based on whether or not an application for relief has been filed.</p>
<p>B. Factors Affecting Performance: The volume, nature, and geographic concentration of EOIR's caseload is entirely dependent upon external factors, primarily the enforcement, adjudication, and detention policies and actions of the INS.</p>	<p>C. Factors Affecting Targets: The volume, nature, and geographic concentration of EOIR's caseload is entirely dependent upon external factors, primarily the enforcement, adjudication, and detention policies and actions of the INS.</p>

Violent Crime Reduction Program
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in Thousands)

Item	Coordination with INS 1998 Initiative		AEDPA		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades						
GS/GM-15.....	30	2,865	10	955	40	3,820
GS/GM-14.....						
GS/GM-13.....	21	837	7	279	28	1,116
GS-11.....	2	66			2	66
GS-9.....	25	673	8	215	33	888
GS-7.....						
Total positions and annual rate.....	78 (39)	4,441 (2,220)	25 (12)	1,449 (724)	103 (51)	5,890 (2,944)
Lapse (-).....						
Total workyears and personnel compensation.....	39	2,221	13	725	52	2,946
Personnel benefits.....		775		253		1,028
Travel & transp of persons.....		462		154		616
Transportation of things.....		34		11		45
GSA Rent.....		1,136		369		1,505
Comm. rents & utilities.....		171		58		229
Printing.....		43		14		57
Other miscellaneous services.....		1,511		406		1,917
Supplies & materials.....		100		38		138
Equipment.....		1,147		372		1,519
Total workyears & obligations changes requested, 1998.....	39	7,600	13	2,400	52	10,000

Violent Crime Reduction Program
 Administrative Review and Appeals
 Salaries and Expenses
 1998 Priority Ranking

Program	Ranking	Program	Ranking
Base Program		Program Increases	
Executive Office for Immigration Review	1	Coordination with INS 1998 Initiative	1
		AEDPA	2

Violent Crime Reduction Program
Administrative Review and Appeals
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998
(Dollars in Thousands)

Category	1996		1997		1998	
	Authorized	Total Authorized	Authorized	Total Authorized	Program Increases	Total Authorized
Attorneys (905)	200	200	40	240		240
Paralegal specialists (950)	0	0	2	2		2
Other Legal Kindred (900-998)	46	46	0	46		46
Personnel Management (200-299)	1	1	0	1		1
Gen. Admin. Clerical and Office Services (300-399)	216	216	33	249		249
Accounting and Budget (500-599)	0	0	0	0		0
Information and Arts Group (1000-1099)	51	51	28	79		79
Supply Group (2000-2099)	0	0	0	0		0
Other Miscellaneous (001-099)	0	0	0	0		0
Total	514	514	103	617		617
Washington	118	118	19	137		137
U.S. Field	396	396	84	480		480
Total	514	514	103	617		617

Violent Crime Reduction Program
Administrative Review and Appeals
Salaries and Expenses
Summary of Agents and/or Attorneys and Support Positions
(Dollars in Thousands)

Appropriated Positions	1997 Appropriations Anticipated						1998 Increases						1997 Request Level					
	Attorneys			Support			Attorneys			Support			Attorneys			Support		
	Pos	FTE	Total	Pos	FTE	Total	Pos	FTE	Total	Pos	FTE	Total	Pos	FTE	Total	Pos	FTE	Total
Decision Unit																		
Board of Immigration Appeals	52	52	134	82	81	133	17	7	7	3	3	19	64	59	89	84	153	143
Office of the Chief Immigration Judge	144	148	370	276	240	388	28	15	56	27	84	42	172	163	282	267	434	430
Off. of the Chief Admin. Hearing Officer	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Office of the Director	4	4	10	4	4	10	0	0	0	0	0	0	4	4	4	4	10	10
Total	100	204	514	314	327	514	40	22	63	30	103	52	240	226	377	357	617	583

Violent Crime Reduction Program
Administrative Review and Appeals
Salaries and Expenses
Summary of Change
(Dollars in Thousands)

	Pos.	Work Years	Amount
1997 as enacted.....	514	531	41,000
Adjustments to base:			
Increases:			
1998 Pay Raise.....			615
Annualization of 1997 Pay Raise.....			237
General Pricing Level Adjustment.....			399
Total, increase.....	514	531	1,251
1998 base.....	514	531	49,251
Program Changes.....	103	52	10,000
1997 estimate.....	617	583	59,251

Violent Crime Reduction Program Administrative Review and Appeals Salaries and Expenses Justification of Adjustments to Base (Dollars in Thousands)			Perm Pos.	Work- years	Amount
INCREASES:					
1. 1998 Pay Raise.....	This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the 1998 President's budget request. This increase includes locality pay adjustment as well as the general pay raise. The amount requested, \$615, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$424 for pay and \$191 for benefits = \$615).		...	...	615
2. Annualization of 1997 Pay Raise.....	This pay annualization represents first quarter amounts (October through December) of the anticipated 1997 pay increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested \$237, represents the pay amounts for the first quarter if the year plus appropriate benefits (\$164 for pay and \$73 for benefits).		...	...	237
3. General Pricing Level (GPL) Adjustments.....	This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the		...	...	399

market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.

Total mandatory increases.....	...	1,251
Total adjustments to base.....	...	1,251

Violent Crime Reduction Program
Administrative Review and Appeals
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Pos. #	Wys.	Pos. #	Wys.	Pos. #	Wys.	Pos. #	Wys.
SL-3, \$110,851 - \$113,850	10		10		10			
GSOM-15, \$70,482 - \$93,516	164		164		204		40	
GSOM-14, \$59,920 - \$81,197	5		5		5		0	
GSOM-13, \$50,706 - \$68,711	26		26		26		0	
GS-12, \$42,641 - \$57,784	15		15		15		0	
GS-11, \$35,578 - \$48,211	72		72		100		28	
GS-10, \$32,382 - \$43,888	0		0		0		0	
GS-9, \$29,405 - \$39,850	28		28		30		2	
GS-8, \$26,622 - \$36,072	0		0		0		0	
GS-7, \$24,038 - \$32,371	62		62		95		33	
GS-6, \$21,632 - \$29,314	41		41		41		0	
GS-5, \$19,407 - \$26,303	46		46		46		0	
GS-4, \$17,346 - \$23,503	45		45		45		0	
GS-3, \$15,452 - \$20,945	0		0		0		0	
GS-2, \$14,161 - \$18,572	0		0		0		0	
Locality Pay								
1997 Pay Rate			366		366			
1998 Pay Rate					615			
Total, appropriated positions	514		514		617		103	
Pay above stated annual rate	0		94		0		0	
Leaves	(42)		2		(50)		(32)	
Net savings due to lower pay scales					(61)		(61)	

Violent Crime Reduction Program
Administrative Review and Appeals
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Wom.	Amount	Wom.	Amount	Wom.	Amount	Wom.	Amount
11.1 Total, workyears and personnel compensation	532	29,096 *	516	28,000	567	28,000	51	2,000
11.3 Other than full-time permanent	11	1,121	11	1,000	11	1,000	0	0
11.5 Other personnel compensation	3	160	4	1,000	5	1,000	1	0
11.8 Special personnel services payments	0	0	0	0	0	0	0	0
Total	546	30,377	531	29,000	583	30,000	52	2,000
12 Personnel benefits		2,433		5,000		5,456		456
13 Benefits for former personnel		0		0		4		4
21 Travel and transportation of persons		82		700		1,082		382
22 Transportation of things		62		300		278		(22)
23.1 GSA rent		2,457		6,000		7,948		1,948
23.2 Rental payments to others		0		0		0		0
23.3 Communications, utilities and miscellaneous charges		122		1,000		1,186		186
24 Printing and reproduction		0		0		259		259
25 Other services		6,718		9,000		8,995		(5)
26 Supplies and materials		272		1,000		1,073		73
31 Equipment		513		2,000		2,944		944
42 Insurance claims		0		0		26		26
Total obligations		43,036		53,000		59,231		6,231
Unobligated balance, start-of-year		0		(5,000)		0		0

Unobligated Balance, end-of-year	5,000	0
	<u>48,036</u>	<u>59,231</u>
Revelation of obligations to outlays:		
Total obligations.....	48,036	59,231
Obligated balance, start-of-year.....	0	19,000
Obligated balance, end-of-year.....	(7,000)	(22,000)
Outlays.....	<u>36,036</u>	<u>56,231</u>

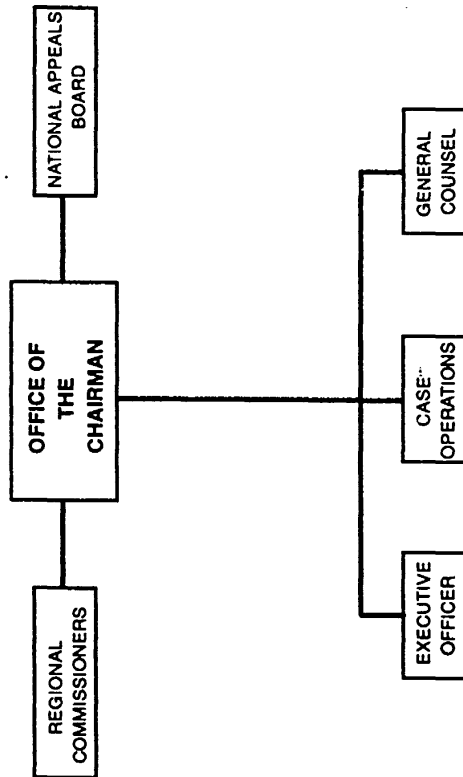
* Obligations in 11.1 were transferred from Direct to VCRP. However, this does not reflect the FTE transfers.


Department of Justice
U.S. Parole Commission
Estimates for Fiscal Year 1988

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UNITED STATES PAROLE COMMISSION



Approved: 
 Edward F. Reilly, Jr.
 Chairman

Date: 20 Sept 1995

**U.S. Parole Commission
Salaries and Expenses
Summary Statement
Fiscal Year 1998**

The 1998 budget request for the United States Parole Commission is \$4,799,000, 38 permanent positions, and 48 workyears. The request includes a program decrease of 5 positions, 5 workyears and \$157,000 as part of the Commission's continuing phase-down of operations.

The 1998 budget proposes a continuation of the down-sizing reductions that have been accomplished over the past several years in anticipation of the termination of the Commission on November 1, 2002 as required under legislation enacted on October 2, 1996 (P.L. 104-232). Currently, the Commission is responsible for over 19,000 "old law" defendants who remain in the Federal system. Of this old law caseload, approximately 7,100 are confined in federal facilities and 8,500 are on active supervision. The remainder are deportees who have not yet reached the end of their sentences, defendants who are serving state and/or "new law" federal sentences, and unapprehended parole violators with outstanding warrants. At the end of FY 1998, the Commission projects that there will be a caseload of 12,520, of which 4,539 will be prisoners, 5,510 will be on active supervision, and 2,471 will be deportees, new law prisoners and unapprehended parole violators. Although these numbers are steadily declining, substantial numbers will remain under the Commission's jurisdiction beyond the year 2000. Much of the remaining caseload is composed of prisoners and parolees who were convicted of violent or other very serious offenses, who are serving very long sentences.

U.S. Parole CommissionSalaries and ExpensesJustification of Proposed Changes in Appropriation Language

The 1988 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

For necessary expenses of the United States Parole Commission as authorized by law, (\$4,845,000) + \$4,799,000
 (18 U.S.C. 4202-04, 4212, 4255, 5006, 5041; Department of Justice Appropriations Act, 1987.)

Explanation of changes

No substantive changes proposed.

U.S. Parole Commission
Salaries and expenses
Crosswalk of 1997 Changes
(Dollars in thousands)

Budget Activity	1997 President's Budget Request		Congressional Appropriation Action on 1997 Request		Reprogramming		1997 Appropriation as enacted		
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	
U.S. Parole Commission	43	53	\$5,201	-356	43	53	\$4,845

Congressional Appropriation Action

The House of Representatives reduced the Commission's request to \$4,490,000 and the Senate restored the full amount of the request. The Conference report reduced the Senate allowance to \$4,845,000.

U.S. PAROLE COMMISSION
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to base:	Perm. Pos.	WY	Amount
1997 as enacted.....	43	53	4,845
Increases (automatic, non-policy).....	..	..	111
1998 Base.....	43	53	4,956
Program Changes (see program narrative for details).....	-5	-5	-157
1998 Estimate.....	38	48	4,799

	1997 appropriation enacted		1998 Base		1998 Estimate		Increase/Decrease	
Estimates by Program	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
U.S. Parole Commission.....	53	\$2 \$5,446	53	\$5 \$5,384 *	43	\$4 \$4,845	38	\$4 \$4,799
							-5	-5
							-5	-\$157

Other Workyears:

Overline.....	1	1	..	..
Total compensable workyears.....	53	59	53	48
				-5

* Adjustments as of December 31, 1998 reflect total obligations of \$5,429,423.

**U.S. Parole Commission
Salary and Expense
Program and Performance Information
Government Performance and Results Act Requirements**

MISSION: To make decisions on grants and denials of parole, conditions of parole, supervision of parolees and mandatory releases, recommitment in event of violation of conditions of supervision, and termination of supervision as outlined in the Parole Commission and Reorganization Act of 1976.

ORGANIZATIONAL GOALS: To establish a national paroling policy and promote the consistent exercise of discretion in the paroling process, including the development and application of specific guidelines for decision-making so that the duration of terms of imprisonment throughout the Federal system will be equitable for those prisoners over whom the Commission has jurisdiction.

To make decisions regarding the grant or denial of parole that both promote justice and that protect the public welfare.

To provide adequate supervision for parolees and mandatory releases to enhance community protection and the rehabilitation of the offender.

To promptly modify or revoke the parole or mandatory release of any individual who violates the conditions of release.

U.S. Parole Commission
Salaries and Expenses
Program and Performance Information
(Dollars in thousands)

ACTIVITY: PAROLE

	1997 Appropriation Enacted	1998 Base	1998 Request	Increase/Decrease	Perm. Pos.	WY	Amount
					43	53	\$4,845
					43	53	4,956
					38	43	4,799
					-5	-5	-157

BASE PROGRAM DESCRIPTION: The United States Board of Parole was created by Congress in 1930. The Parole Commission and Reorganization Act of 1976 (Public Law 94-233, effective May 14, 1976) renamed the agency as the United States Parole Commission and placed it within the Department of Justice for administrative purposes. The Commission is an agency with independent, decision-making powers set forth by statute. The Commission has parole jurisdiction over all eligible Federal prisoners, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole (mandatory release). The Parole Commission and Reorganization Act provides for nine Commissioners, one of which is designated Chairman, who are appointed by the President with the advice and consent of the Senate. Currently, there are three serving Commissioners, including the Chairman. One Commissioner makes regular parole decisions while the other Commissioners comprise the National Appeals Board. Cases that involve the most serious crimes, are high profile, or involve national security are designated as original jurisdiction for consideration by all of the Commissioners. National parole policy is made by formal Commission deliberation at quarterly meetings.

On a cooperative basis, the Commission uses the services of the staff employed by the Federal Prison System (FPS) and the Probation and Pretrial Services Division of the U.S. Courts. FPS staff, who are assigned to the correctional institutions throughout the nation, prepare progress reports and other reports concerning parole applicants. Field supervision of released prisoners is provided by Probation Officers of the Probation Service, who, pursuant to statute, function as "parole officers" for Federal prisoners. Reports concerning the adjustment of parolees and mandatory releases are prepared by these officers and submitted to the Commission.

As part of the Comprehensive Crime Control Act of 1984 (Public Law 98-493), the United States Sentencing Commission was established to develop and issue comprehensive guidelines for Federal cases. As a result, the current Federal parole system is scheduled to be phased out. These sentencing guidelines, which were developed in large part from guidelines that had been developed for the Parole Commission during the 1970's, went into effect on November 1, 1987. The original legislation provided for the Parole Commission to be phased out by November, 1992, but because of constitutional questions involving grants of parole for thousands of "old law" prisoners who would still be incarcerated at the termination date, the Judicial Improvements Act of 1990 (P.L. 101-560) extended the life of the Commission to November 1, 1997.

However, with substantial numbers of inmates and parolees still under the Commission's jurisdiction, the legislation was enacted on October 2, 1996 (P.L. 104-232) that provides for the continuation of the Commission until November 1, 2002 or until such time as the remaining numbers of "old law" prisoners are small enough for the paroling function to be transferred to an office under the Attorney General.

Hearing examiners appointed by the Commission conduct in person parole hearings with prisoners eligible for parole and make recommendations to the Commissioners. These hearings are conducted by examiners at Federal prisons where parole-eligible prisoners are held. Examiners also conduct revocation hearings at Federal and State and local facilities for parolees who have violated their conditions of parole. Summaries of the hearings are recorded, then transcribed and sent to the Commissioner's Office for review and decision of a Commissioner.

The Bureau of Prisons has continued to open new correctional facilities to accommodate the dramatically growing number of prisoners, and as new facilities have been opened, the Commission and BOP have agreed to concentrate parole-eligible inmates in fewer facilities in order to minimize the number of locations requiring hearing dockets. As of September 30, 1996, there were 94,715 prisoners in BOP facilities, of which 7,093 were parole-eligible. The parole eligible population is projected to be 5,674 on September 30, 1997.

When an individual is released on parole, conditions of release are imposed. The violation of any of these conditions could result in revocation of parole. The Commission has instituted a "zero tolerance policy" of illegal drug use by parolees. Any instance of illegal drug use by any parolee must be reported by the probation officer to the Commission. After the facts surrounding the violation are reviewed, a sanction or intervention is prescribed to correct or remedy the problem.

Warrants issued by the Commission to initiate the revocation of an inmate's parole, and the resulting revocation hearings, have remained at relatively constant levels over the past several years. Timely processing of warrants and revocation hearings are essential to the safety of the public and maintaining public confidence in the parole process. Revocation cases make a disproportionate demand on examiner and staff time because of their adversarial nature and because a majority of parolees in these cases are represented by counsel.

Initial hearings are due within 120 days of a newly-sentenced inmate's arrival in prison. Statutory interim hearings are due at 18 or 24 month intervals, pursuant to U.S.C. 4208(b), depending on the length of the sentence. Institutional revocation hearings are an important determinant of docket schedule. An alleged parole violator who is returned to an institution must be given a revocation hearing within the 90-day statutory deadline. Statutory deadlines effectively impose a bi-monthly docket schedule. Local revocation hearings are required to take place within 60 days of arrest at or near the location where the infraction or arrest occurred. Witnesses are present and produce what are the most work intensive hearings.

In 1974, the U.S. Board of Parole (as the Commission was then named) developed and implemented the first guidelines to be used anywhere to structure incarceration and release decision-making. All parole and sentencing guidelines developed in the United States are, for the most part, an outgrowth of federal parole guidelines. The new Federal sentencing guidelines were modeled after the parole guidelines. The guidelines and the independence of the Federal parole system were affirmed and strengthened by Congress when it passed the Parole Commission and Reorganization Act of 1976. The parole guidelines are built around a two dimensional matrix that considers offense severity on one axis and offender prognosis (risk) on the other. For each combination of offense severity and risk, the guidelines indicate a range of time to be served. The Commission may release outside the guideline range if it determines there is good cause for doing so. Inmates are furnished a written notice stating the reasons for the Commission's determination and a summary of the information relied upon. The

guidelines have played a significant role over the past two decades in reducing sentencing disparity. The act also enhanced due process, provided the right for inmates to have a representative at their hearing, and required that the reasons for denial be stated in writing.

Prisoners who are dissatisfied with the decision rendered after their hearing may file an appeal with the Commission's National Appeals Board (NAB). The NAB can affirm, modify or reverse the decision under provisions set forth in 28 CFR 2.26. The NAB must complete the action within 60 days of receipt of the appeal.

The Office of the Chairman provides overall management of the Commission's activities and functional supervision of the Hearing Examiners and Analysts. This office also provides quality control of case decisions, coordinates the training program, and is responsible for publication of the Parole Commission's Rules and Procedures manual (28 CFR 2.1 - 2.67).

The Legal Section, headed by the General Counsel, advises the Commissioners and staff on interpretation of the agency's enabling statutes and policy, drafts implementing rules and regulations and assists U.S. Attorney's Offices in defending the Commission against lawsuits brought by prisoners and parolees. The office is also a resource for staff on problems involving the processing of requests for information under the Privacy Act of 1974, as amended in 1975. The Office responds directly to requests submitted under the Freedom of Information Act. Finally, the Office has the responsibility for analyzing applications for exemption from prohibitions imposed by Federal law against persons who have been convicted of certain crimes from occupying labor union, management or pension fund positions, and ensuring that the hearings under the Administrative Procedures Act are properly conducted. The Commission's legal staff also participates with the State Department and other units of the Department of Justice on various phases of the development of treaties and implementing legislation for the exchange of prisoners with other countries.

An Administrative Office headed by the Executive Officer provides administrative support in the areas of personnel, budget and finance, procurement, and property and space management.

INITIATIVES**ACTIVITY: PAROLE**

Parole Commission Downsizing	Perm Pos	WY	Amount
	-5	-5	.157

Proposed Actions

The 1998 budget proposes a continuation of the downsizing reductions that have been accomplished over the past several years in anticipation of the Commission's eventual termination. Currently, the Commission is responsible for over 19,000 "old law" defendants who remain in the Federal system. Of this old law caseload, approximately 7,100 are confined in federal facilities and 8,500 are on active supervision. The remainder are deportees who have not yet reached the end of their sentences, defendants who are serving state and/or "new law" federal sentences, and unapprehended parole violators with outstanding warrants. At the end of FY 1998, the Commission projects that there will be a caseload of 12,520, of which 4,539 will be prisoners, 5,510 will be on active supervision, and 2,471 will be deportees, new law prisoners and unapprehended parole violators. Although these numbers are steadily declining, substantial numbers will remain under the Commission's jurisdiction beyond the year 2000. Much of the remaining caseload is composed of prisoners and parolees who were convicted of violent or other very serious offenses, who are serving very long sentences.

A program decrease of five positions, five workyears and \$157,000 is requested to continue the downsizing during FY 1998.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

GENERAL GOAL: To make decisions on grants and denials of parole, conditions of parole, supervision of parolees and releasees, recommitment in event of violation of conditions of supervision, and termination of supervision as outlined in the Parole Commission Reorganization Act of 1978 (18 U.S.C. 4201 et seq.)						
PERFORMANCE INDICATOR INFORMATION	1994 Actual	1996 Actual	1996 Target	1998 Actual	1997 Target	1998 Target
Total Hearings *	4,922	4,182	3,204	3,372	2,698	2,158
a Initial	1,069	743	572	685	429	313
b Recalcitrant	277	282	202	154	152	111
c Local Revocation	542	655	427	385	320	234
e Institutional Revocation **	1,706	1,561	1,202	1,317	901	658
f Other	92	72	55	60	41	30
g Statutory Review	1,246	969	746	771	560	409
Pre-Release Reviews	1,815	1,649	1,270	1,216	983	695
Total Appeal Decisions	1,450	1,129	881	843	671	496
a National	1,204	1,006	786	798	598	442
b Administrative Review	146	10	8	3	6	4
c Original Jurisdiction Decisions & Appeals	98	111	87	42	67	50

* Does not include dispositional revocation hearings

** Includes 257 expedited revocations

U.S. Parole Commission
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Phase-out of Parole Commission	
	Pos.	Amount
Grades		
GS-9	-2	-56
GS-8	-1	-26
GS-6	-2	-42
Total positions and annual rate	-5	-124
Total workyears and personnel compensation	-5	-124
Personnel benefits		-25
Communications, utilities and other services		-4
Supplies		-4
Total	-5	-157

U.S. Parole Commission
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996 Auth.	1997 As Enacted	1998	
			Program Changes	Total
Attorneys (905).....	5	5	..	5
Other Legal and Kindred (900-999).....	1	1	..	1
Social Sciences, Economics and Kindred (100-199).....	23	18	-2	16
General Administrative, Clerical and Office Services (300-399).....	23	18	-3	15
Accounting and Budget (500-599).....	1	1	..	1
Total.....	53	43	-5	38
Washington.....	53	43	-5	38
U.S. Field.....	..	..	..	..
Total.....	53	43	-5	38

U.S. Postal Commission
Salaries and Expenses
Summary of Change
(Dollars in thousands)

	Poa	WY	Amount
Adjustments to base 1997 as enacted	43	53	\$4,845
Increases (automatic, non-policy)			
1998 Pay Raise			61
Accrualization of 1997 Pay Raise			22
Within grade increases			21
Correspondence Management System			2
Investigation/Reinvestigation			1
General pricing level adjustments			4
Total Increases			111
1998 Base	43	53	4,956
Program Changes			
Downsizing Reduction	5	5	-157
1998 Estimate	38	48	4,799

U.S. Parole Commission
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

WY Amount

Increases (Automatic, non-policy)

1	1998 Pay Raise This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$67,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$49,000 for pay and \$12,000 for benefits).	61
2	Annualization of 1997 Pay Raise This pay annualization represents first quarter amounts (October through December) of the anticipated 1997 pay increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$22,000, represents the pay amounts for the first quarter of the fiscal year plus appropriate benefits (\$18,000 for pay and \$4,000 for benefits).	22
3	Within-grade Increases This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. This request includes \$17,000 for pay and \$4,000 for benefits.	21
4	Correspondence Management System An increase of \$2,000 is required in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. This new system provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved recordkeeping, and improved reporting capability.	2

WY Amount

Increases (Automatic, non-policy), continued

5 Investigation/Reinvestigation
Executive Order 10450 "Security Requirements for Government Employees" requires that appointments of each civilian officer or employee in an any department or agency of the Government shall be made subject to investigation. Additional funding is required to cover the costs of additional contractor support needed to ensure timely compliance with this Executive Order. It is critical to accommodate the Department's security requirements by ensuring investigations and reinvestigations are timely initiated on newly appointed civilian officers and employees.

6 General Pricing Level Adjustments
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.

Total, Increases/Adjustments to Base

111

U.S. Parole Commission
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1996 Actual Workyears	Amount	1997 Estimate Workyears	Amount	1998 Request Workyears	Amount	Increase/Decrease Workyears	Amount
Grades and salary ranges								
Executive Level IV, \$115,700	1		1		1			
Executive Level V, \$108,200	5		2		2			
GSGM-15, \$73,488 - \$95,531	5		5		5			
GSGM-14, \$62,473 - \$81,217	10		11		11			
GSGM-13, \$52,867 - \$68,728	2		2		2			
GS-12, \$44,458 - \$57,800	4		3		3			
GS-11, \$37,094 - \$48,222	3		3		3			
GS-10, \$33,762 - \$43,858	1		1		1			
GS-9, \$30,658 - \$39,858	2		3		1		-2	
GS-8, \$27,756 - \$38,088	1		5		4		-1	
GS-7, \$25,061 - \$32,582	10		4		4			
GS-6, \$22,554 - \$28,320	3		3		1		-2	
GS-5, \$20,233 - \$26,303	6							
GS-4, \$18,085 - \$23,515								
1997 Pay Raise		72		72		72		65
Total, appropriated positions	53	\$2,955	43	\$2,452	38	2,389	-5	-63
1998 Pay Raise								
Total, appropriated positions		12		8		8		
Pay above stated annual rate		-178						
Lapses	-7	-22		-18		-16		2
Net savings due to lower pay scales		2,767		2,442		2,381		-61
Net full-time permanent	46		43		38		-5	
Other than permanent:								
Part-time permanent	3	173	3	156	3	156		
Temporary employment	9	239	7	173	7	173		
Other personnel compensation								
Overtime	1	21		27		27		
Other compensation		1		25		25		
Special personal services payments								
Total, workyears and personnel compensation	59	\$3,201	53	\$2,823	48	2,762	-5	-\$61
Average Executive Salary		\$109,460		\$110,700		\$110,700		
Average GSGM Salary		\$43,125		\$47,003		\$50,653		
Average GSGM Grade		10.13		12.06		12.78		

U S Parole Commission
Salaries and expenses
Summary of Requirements by Grade and Object Class

Object Class	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Pos	WY	Pos	WY	Pos	WY	Pos	WY
Personnel Compensation								
11.1 Permanent positions	53	46						
11.3 Positions other than perm			43	43	38	38	-5	-5
11.5 Other personnel comp	12	412	10	329	10	329		
11.8 Special pers. services pay	1	22		52		52		
Total	53	59	43	53	38	48	-5	-5
Other objects								
12.1 Personnel benefits		711		627		647		20
13.0 Benefits for former pers		58		8		8		
21.0 Travel and transport of pers		208		201		201		
22.0 Transportation of things		52		37		36		-1
23.1 GSA rent		584		486		486		
23.3 Communications, utilities and other rent		174		157		158		1
24.0 Printing and reproduction		4		6		7		1
25.0 Other services		355		370		365		-5
26.0 Supplies and materials		57		85		90		5
31.0 Equipment		3		45		39		-6
Total obligations		5,385		4,845		4,799		-46
Unobligated balance lapsing		61						
Total requirements		5,446		4,845		4,799		-46
Relation of obligations to outlays								
Total obligations		5,385		4,845		4,799		
Obligated balance, start-of-year		1,914		1,034		775		
Obligated balance, end-of-year		-1,034		-775		-822		
Outlays		8,265		5,104		4,752		

Legal Activities
Salaries and expenses - General Legal Activities
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Legal Activities Office Automation	I

Legal Activities
Salaries and Expense, General Legal Activities
Summary Statement
Fiscal Year 1998

For 1998, the General Legal Activities (GLA) appropriation seeks a total budget of 3,568 positions, 3,598 workyears (excluding 362 reimbursable workyears) and \$466,557,000. This resource level represents an overall increase of 158 positions and 121 workyears above 1997 staffing levels; the requested funding level is \$51,645,000 above the 1997 availability. Adjustments to base include increases of \$14,666,000. The program changes requested for 1998 include increases of 170 positions, 120 workyears and \$29,379,000. The 1998 program changes are individually discussed below.

Tax Protesters Initiative. The Tax Division requests \$462,000 and 8 positions to staff its tax protester initiative. Specifically, the Division seeks to: develop a systematic approach for handling criminal prosecutions of organized tax protester groups; develop a systematic approach for handling defensive civil litigation brought against the Government by tax protester organizations; and individuals who identify themselves as associated with the tax protester movement; develop new strategies, including affirmative litigation, that will deter tax protester activities; and to provide training to Assistant United States Attorneys and IRS personnel so that criminal prosecutions of tax protesters and civil tax protester litigation are handled efficiently and effectively.

Drug Strategy.

Southwest Border Initiative. The Criminal Division seeks \$281,000 in additional funding, and three positions to increase its ability to coordinate and support the Southwest Border Initiative (SWBI) from headquarters. These positions will materially support the Attorney General's goal to achieve enhanced centralized management of the investigations and prosecutions related to this large-scale, multi-district initiative.

Federal Capital Case Prosecutions. The Criminal Division seeks \$192,000 in new funding, and two positions to address the increasing workload associated with Federal capital case prosecutions. Responsibilities of Criminal Division attorneys assigned to capital cases have expanded significantly with the advent of more aggressive legislation and a number of Department policies and procedures that have increased the Division's involvement in capital case reviews. Since 1994, the number of Federal capital case reviews, that the Division has been required to perform, has increased more than ten-fold.

Counterterrorism Resources.

Office of International Affairs. The Criminal Division seeks \$491,000 in additional funding, and nine positions for the Office of International Affairs to create a unit which will: collect, organize, and critically analyze all sensitive international law enforcement information and provide the Attorney General and senior managers within the Department with such information upon request; produce and provide any necessary briefing material on international matters; and, develop the capability to spot emerging trends and stay abreast of rapidly changing international developments.

International Extradition. The Criminal Division seeks \$199,000 in new funding, and two positions to augment existing resources dedicated to the rendering of international fugitives, witnesses, and evidence through extradition treaties and related executive agreements. With Congress' recent authorization of twelve new extradition and mutual legal assistance treaties, workload in this area will see a significant increase in 1998.

Computer Crime. The Criminal Division seeks \$454,000 in additional funds, and five positions to address the increasing incidence and complexity of computer crime. Additional resources will be engaged in development of legislation, the prosecution of computer terrorists, the strengthening of network integrity, as well as cooperating with foreign entities and governments in efforts to harmonize computer crime laws and eliminate procedural impediments in international hacker investigations.

Presidency of the G7/P8. The Criminal Division seeks \$764,000 in additional funding, and three positions to support the United States as it assumes the Presidency of the G7/P8 in 1997, and as summit agendas focus increasingly on terrorism, the Criminal Division will be relied upon to provide support and assistance to the myriad task forces originating from the G7/P8.

Overseas Positions. The Criminal Division requests \$1,205,000 in new funding, and three positions to increase its presence overseas by placing three attorneys at the following strategic locations: Manila to support East Asia, Brasilia to support South America, and Athens to support the Middle East. Division attorneys placed in these locations will enhance the Department's ability to respond quickly to legal issues and requests for assistance originating in the foreign field. Overseas attorneys with country-specific expertise will provide substantive guidance on treaty matters and extradition, as well as coordinating U.S. law enforcement policies in assigned regions.

International Coordination. The Criminal Division requests \$304,000 in new funding, and four positions to establish a Multi-Lateral Issue Team in the office of International Affairs. These additional resources will allow the Division to participate in, and materially contribute to, the large number of non-country specific, multi-lateral criminal justice initiatives. The Department's involvement in these multi-lateral fora has become increasingly important given the international enforcement effort against transnational crime and terrorism.

Minglar Litigation. The Civil Division seeks \$10,972,000 in additional funding, and seventy positions to allow the Division to defend claims from the enactment and implementation of the Financial Institution Reform, Recovery and Enforcement Act. A program increase is required to provide staff vital for an adequate defense and funding for core support activities. To cover more variable costs of the litigation, those associated with discovery, trial preparation, consultants, and transcripts, a transfer of \$33,700,000 is required from the FSLIC Resolution Fund.

Vaccine Injury Compensation Trust Fund Litigation. The Civil Division requests \$833,000 in additional funding to continue to support the litigation arising from the Vaccine Injury Compensation Trust Fund.

Combating Environmental Crime.

Vessel Pollution. The Environment and Natural Resources Division seeks \$240,000 in additional funding, and 4 positions to prosecute the intentional discharge of oil and other pollutants from vessels into the inland waterways and coastal waters of the United States.

Chlorofluorocarbons (CFC) Enforcement. The Environment and Natural Resources Division requests \$149,000 in additional funding, and 2 positions to enhance and improve its efforts in coordinating the National CFC Enforcement Initiative. Specifically, the increased resources will enable the section to; provide training to Assistant United States Attorneys, Customs Service agents, and representatives from other law enforcement agencies; develop strategies for CFC interdiction; and prosecute individuals charged with violating federal statutes and international treaties concerning the illegal importation of CFCs.

Civil Rights Prosecution. The Civil Rights Division seeks \$263,000 in additional funding, and three positions to enable the Civil Rights Prosecution Section to address the continued incidence of police brutality and violent and intimidating acts of racial, ethnic and religious hatred occurring across the Nation. The additional resources will enhance the ability of the Section to bring prosecutions under the federal criminal civil rights laws in a more timely manner.

Disability Rights. The Civil Rights Division seeks \$477,000 in additional funding to provide the Disability Rights Section with contract paralegal support to enhance and improve its efforts in enforcing the Americans with Disabilities Rights Act (ADA). Specifically, the increased resources will enable the Section to; investigate matters of possible noncompliance; to address complaints through alternative dispute resolution, provision of technical assistance, informal or formal

settlement agreement, or litigation; and, to increase, in number and effectiveness, the resolution of matters of alleged noncompliance under Titles II and III of the ADA.

Justice Consolidated Office Network (JCON) Implementation. The Department seeks \$7,100,000 in additional funding for implementation of the JCON. The bulk of the requested increase will go towards the conversion of the United States Attorneys Offices to JCON.

Electronic Freedom of Information Act (EOIA). The Department is requesting \$4,493,000 and 45 positions to enable the General Legal Activities organizations to implement the requirements of the recently enacted Electronic Freedom of Information Act Amendments of 1996.

Legal Activities
Salaries and Expenses, General Legal Activities
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underlined in bold and deleted matter is [enclosed in brackets].

Salaries and Expenses, General Legal Activities

For expenses, not otherwise provided for, necessary for the legal activities of the Department of Justice, [not otherwise provided for,] including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; [and rent of private or Government-owned space in the District of Columbia; \$420,793,000] \$466,557,000; of which not to exceed [all \$10,000,000 for litigation support contracts [shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed \$17,525,000] and (2) \$14,555,000 [shall remain available until expended] for office automation systems for [the] all legal divisions [covered by this appropriation] of the Department, [and] for the United States Attorneys, ~~for~~ the Antitrust Division, and for offices funded through "Salaries and Expenses", General Administration.;] shall remain available until expended. [Provided further, That of the total amount appropriated,] and of which not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided [further], That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States, and credit to this appropriation, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year [1997] 1998: [Provided further, That not to exceed 8 permanent positions and 10 full-time equivalent workyears and \$987,000 shall be expended for the Office of Legislative Affairs and Public Affairs: provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or

nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis].

In addition, for reimbursement of expenses of the Department [of Justice] associated with processing cases under the National Childhood Vaccine Injury Act of 1986[, not to exceed \$4,028,000 to be appropriated from the Vaccine Injury Compensation Trust Fund.] (Pub.L. 99-55, Title 3, 100 Stat. 3755; see 42 U.S.C. 201 note, as amended, not to exceed \$4,861,000 to be derived from the Vaccine Injury Trust Fund.

[For an additional amount for expenses of the Criminal Division relating to terrorism, \$1,719,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.]

Explanation of changes.

The changes noted above are an effort by the Department to clarify the standard appropriation language used by the General Legal Activities appropriation.

LEGAL ACTIVITIES
Salaries and expenses, General Legal Activities
Grossed out of 1997 Changes
(Dollars in thousands)

Budget Activity/Program Detail	1997 President's Budget Request		Congressional Appropriation Action on		Transfer from the FSUC Resolution Fund		Adjustments in Positions and Workyears		Reprogramming		1997 Appropriation Enclosed	
	Fsa.	Wt.	Fsa.	Wt.	Fsa.	Wt.	Fsa.	Wt.	Fsa.	Wt.	Fsa.	Wt.
1 Conduct of Supreme Court proceedings and review of presidential actions	48	52	86,347	0	(2)	(\$225)	0	0	0	0	48	50
2 General tax matters	649	614	63,511	0	(11)	(4,164)	0	0	0	0	589	543
3 Criminal matters	726	740	86,924	13	7	1,256	0	0	0	0	736	747
4 Claims, customs and general tax matters	928	956	130,553	0	0	(10,036)	0	0	0	0	928	956
5 Land, natural resources and Indian matters	449	476	64,546	0	0	(8,537)	0	0	0	0	449	476
6 Legal opinions	37	41	4,350	0	0	(85)	0	0	0	0	37	41
7 Civil rights matters	560	561	66,466	(3)	(2)	(7,049)	0	0	0	0	557	578
8 Intellectual Property National Central Bureau	62	64	7,013	0	0	(564)	0	0	0	0	62	64
9 Legal activities office information	0	0	17,525	0	0	(327)	0	0	0	0	0	0
Total	3,459	3,524	450,277	10	(6)	(27,785)	0	0	0	0	3,409	3,476
Reimbursable FTE			360								360	
Grand total FTE			3,862								3,862	

Congressional Appropriation Action on 1997 Request. The Congress reduced the request by \$29,444,000. The Congress also provided funding for the Criminal Division requested in the Counterterrorism Amendment of 22 positions, 12 workyears, and \$1,711,000. All other program increases were denied.

Transfers from the FSUC Resolution Fund. The Congress directed that the Secretary of the Treasury make available to the General Legal Activities \$26,100,000 from the FSUC Resolution Fund. At the direction of the Office of Management and Budget it is reflected in the budget document as a transfer.

Adjustment in Positions and Workyears. The adjustment includes reductions to the Tax Division to more accurately reflect the level of positions and workyears funded by the organization.

Note: Due to decisions made after the preparation of the 1998 President's Budget Appendix the 1997 positions and workyears have been revised.

LEGAL ACTIVITIES
Salaries and expenses, General Legal Activities
Summary of Requirements
(Column in thousands)

	1986 Actual		1987 Approp.		1988 Base		1988 Estimate		Increase/Decrease	
	Perm.	WFL	Perm.	WFL	Perm.	WFL	Perm.	WFL	Perm.	WFL
1987 President's Request										
Congressional Appropriation Actions on 1987 Request										
Transfer from the FSLIC Resolution Fund										
Adjustments to 1986 and 1987										
1987 Appropriation Enacted										
Adjustments to Base										
1987 One-Time Transfer from the FSLIC Resolution Fund										
1988 One-Time Transfer from the FSLIC Resolution Fund										
Increases (Automatic, non-policy)										
Net Adjustments to Base										
1988 Base										
Program Changes (See Program Narrative for Details)										
1988 Estimate										
Estimated by Program										
1. Conduct of Supreme Court proceedings and review of appellate matters	48	50	48	50	48	50	48	50	0	0
2. Criminal matters	48	50	48	50	48	50	48	50	0	0
3. Criminal matters	48	50	48	50	48	50	48	50	0	0
4. Claims, customs and general civil matters	717	733	717	733	717	733	717	733	0	0
5. Indian matters	828	856	828	856	828	856	828	856	0	0
6. Legal resources and legal matters	448	476	448	476	448	476	448	476	0	0
7. Civil rights matters	37	41	37	41	37	41	37	41	0	0
8. WTERPC - U.S. National office activities	557	579	557	579	557	579	557	579	0	0
9. Legal activities	62	64	62	64	62	64	62	64	0	0
Total	0	0	17,654	0	17,654	0	17,654	0	0	0
Reimbursable Workyears	3,447	3,504	3,447	3,504	3,447	3,504	3,447	3,504	0	0
Total Workyears	3,447	3,504	3,447	3,504	3,447	3,504	3,447	3,504	0	0
Other Workyears										
Overruns										
Total Compensable Workyears	3,447	3,504	3,447	3,504	3,447	3,504	3,447	3,504	0	0

Note: The 1988 Base includes a transfer of \$23,100,000 from the FSLIC Resolution Fund. Although indicated here as a transfer of the Resolution Fund, the actual transfer is to the 1988 Appropriation Enacted in the 1988 Act.

LEGAL ACTIVITIES
Salaries and expenses, General Legal Activities
Reimbursable Resources, Summary of Requirements
(Dollars in thousands)

Collections by Program	1996 Actual			1997 Estimate			1998 Estimate			Increase/Decrease	
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY
1. Conduct of Supreme Court proceedings and review of appellate matters	16	10	\$1,316	16	14	\$2,067	16	14	\$1,513	..	..
2. General tax matters	..	..	..	..	..	..	..	..	..	..	..
3. Criminal matters	60	60	16,142	60	60	25,978	60	60	25,978	..	..
4. Claims, customs and general civil matters	36	33	45,225	36	36	53,700	36	36	46,487	..	..
5. Law, natural resources and Indian matters	242	242	50,581	242	242	48,975	242	242	45,975	..	..
6. Legal opinions	..	..	..	..	..	..	..	..	..	..	..
7. Civil rights matters	8	8	1,112	10	10	1,103	10	10	838	..	..
8. INTERPOL - U.S. National Central Bureau	..	..	35	..	..	83	..	..	17	..	..
9. Legal activities office automation	..	..	..	..	..	..	..	..	..	..	..
Total Budgetary Resources	362	353	114,411	364	362	131,906	364	362	120,808	0	0

Note: The 1997 figure has been revised from that included in the President's Appendix to more accurately reflect current estimates.

LEGAL ACTIVITIES
Salaries and expenses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

Grades and salary ranges	Solicitor Gen		Tax Division		Criminal Div.		Civil Division		Env & Nat Res Div	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
GS-15					15	\$1,162	39	\$3,124		
GS-14					2	132	24	1,628	3	\$195
GS-13			5	284	4	224				
GS-12										
GS-11			4	162	20	788	9	360	3	116
GS-9					6	195				
GS-7			4	110	6	159			3	78
GS-6							2	49		
Total approp positions	0	0	13	556	53	2,660	74	5,161	9	389
Lapses			(6)	(279)	(24)	(1,332)	(7)	(407)	(4)	(194)
Other personnel compensation						41				2
Total, workyears and pers compensation			7	277	29	1,369	67	4,754	5	197
Personnel benefits				83		412		1,229		60
Travel and transportation										
of persons				23		353		348		34
Transportation of things						338		16		6
GSA rent				68		465		666		68
Communications, utilities, and other rent				12		318		87		13
Printing and reproduction						81		103		6
Other services				110		1,334		4,733		649
Supplies and materials				4		79		71		6
Equipment				76		534		102		54
Total obligations	0	0	7	653	29	5,283	67	12,109	5	1,093

LEGAL ACTIVITIES
Salaries and expenses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

Grades and salary ranges	Legal Counsel		Civil Rights Division		INTERPOL-USNCB		LA Off Automation		Total GLA	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
GS-15.....			3	\$230					57	\$4,516
GS-14.....									29	1,955
GS-13.....			3	165	1	\$61			13	734
GS-12.....			7	324					7	324
GS-11.....			2	77					38	1,503
GS-9.....			2	87					8	262
GS-7.....			3	78					16	425
GS-6.....									2	49
Total, approp. positions.....	0	0	20	941	1	61	0	0	170	9,768
Lapses.....			(9)	(470)	0	(31)			(50)	(2,713)
Other personnel compensation.....				6					0	49
Total, workyears and pers. compensation.....			11	477	1	30			120	7,104
Personnel benefits.....				147		9			0	1,940
Travel and transportation of persons.....				59					0	817
Transportation of things.....									0	360
GSA rent.....				100		10			0	1,377
Communications, utilities, and other rent.....				40					0	470
Printing and reproduction.....				20					0	210
Other services.....				1,377		321		7,100	0	15,624
Supplies and materials.....				17		1			0	178
Equipment.....				521		\$12			0	1,299
Total obligations.....	0	0	11	2,758	1	383	0	7,100	120	29,379

LEGAL ACTIVITIES
Salaries and Expenses General Legal Activities
Summary of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996		1997		Net Change	1998 Estimate	
	Authorized	Reimbursable	Authorized	Reimbursable		Total Authorized	Total Reimbursable
Attorneys (905)	2 017	170	2 005	172	105	2 110	172
Paralegal Specialists (950)	308	46	312	46	43	355	46
Other Legal and Kindred (900 - 980)	83	2	91	2	17	108	2
Social Sciences, Economics (100 - 199)	31	0	31	0	0	31	0
General Administrative, Clerical (300 - 399)	944	135	905	135	(11)	894	135
Accounting and Budget (500 - 599)	32	7	30	7	1	31	7
Business and Industry (1100 - 1199)	3	0	3	0	0	3	0
Information and Arts (1000 - 1099)	7	0	7	0	0	7	0
Mathematics and Statistics	2	0	2	0	0	2	0
General Investigating (1801 - 1810)	5	0	5	0	4	9	0
Other	15	0	18	0	0	18	0
Total	3 447	360	3 409	362	159	3 568	362
Washington, D.C.	3 326	342	3 287	344	158	3 443	344
U.S. Field	117	12	116	12	3	116	12
Foreign Field	4	6	6	6	0	6	6
Total	3 447	360	3 409	362	159	3 568	362
NPR Targeted Positions							
Supervisors	457	9	454	9	(1)	453	9
Personnel Specialists (950)	18	0	18	0	0	18	0
Budget Specialists	16	4	16	4	0	16	4
Accountants and Auditors	20	0	18	0	(2)	16	0
Acquisition Specialists	13	0	12	0	(1)	11	0
Headquarters Staff	335	4	337	4	(6)	329	4

Note: The Office of Solicitor General and the Office of Legal Counsel are exempt from NPR (streamlining) requirements.
 The data in this table are preliminary and subject to change. The data are preliminary and subject to change. The data are preliminary and subject to change.
 Due to the rounding, the net change column reflects higher numbers of full-time and other legal staff than have been reported.

LEGAL ACTIVITIES
Salaries and Expenses
Summary of Attorney and Support Positions/Workyears
F 1997-1998

Program	1997 Appropriation Enacted J				1998 Program Increases				1998 Request Level			
	Attorneys	Support	Total		Attorneys	Support	Total		Attorneys	Support	Total	
	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
1. General and special investigations and	32	22	26	28	48	50	0	0	0	0	0	0
2. General matters	347	328	242	234	55	50	5	3	6	4	13	7
3. Criminal matters	448	447	293	300	739	747	20	11	33	18	53	29
4. Claims, customs and general matters	612	622	316	334	928	956	63	56	11	11	74	67
5. Land and natural resources and	302	319	147	157	449	476	3	2	6	3	9	5
6. Legal opinions	22	24	15	17	37	41	0	0	0	0	0	0
7. Copyright matters	254	251	303	328	557	579	5	3	15	6	20	11
8. Technical, U.S. Marine Corps, Bush	0	0	62	64	62	64	0	0	1	1	1	1
9. Legal services	0	0	0	0	0	0	0	0	0	0	0	0
10. Other activities	0	0	0	0	0	0	0	0	0	0	0	0
Total	2,005	2,014	1,404	1,462	3,408	3,476	96	75	74	45	170	120

REIMBURSABLE POSITIONS

Program	1997 Appropriation Enacted J				1998 Program Increases				1998 Request Level			
	Attorneys	Support	Total		Attorneys	Support	Total		Attorneys	Support	Total	
	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE	Pos	FTE
1. General and special investigations and	0	0	0	0	0	0	0	0	0	0	0	0
2. General matters	14	12	2	2	15	14	0	0	14	12	2	2
3. Criminal matters	7	7	53	53	50	60	0	0	7	53	53	60
4. Claims, customs and general matters	17	17	19	19	36	36	0	0	17	17	19	36
5. Land and natural resources and	127	127	115	115	242	242	0	0	127	127	115	115
6. Legal opinions	0	0	0	0	0	0	0	0	0	0	0	0
7. Copyright matters	9	9	1	1	10	10	0	0	9	9	1	1
8. Technical, U.S. Marine Corps, Bush	0	0	0	0	0	0	0	0	0	0	0	0
9. Legal services	0	0	0	0	0	0	0	0	0	0	0	0
10. Other activities	0	0	0	0	0	0	0	0	0	0	0	0
Total	174	172	190	190	364	362	0	0	174	172	190	190

Note: Positions listed for each year are provided for informational purposes only. The total number of positions is not necessarily the same as the number of positions actually filled. The number of positions is based on the number of positions actually filled.

LEGAL ACTIVITIES
Salaries and Wages Congressional Legal Activities
 Summary of Change
 (Dollars in thousands)

	Perm Pos	WT	Amount
1997 President's Request	3,459	3,524	\$469,377
Congressional Appropriation Actions on 1997 Request	10	(8)	(27,765)
Transfer from the FSJIC Resolution Fund	0	0	26,100
Adjustments in Positions and Workyears	(60)	(40)	0
1997 Appropriation Enacted	3,409	3,476	448,612
Adjustments to base			
Decreases	(11)	(8)	0
Staff Restructuring	0	0	(26,100)
1997 One Time Transfer from the FSJIC Resolution Fund			
Increases			
1998 Pay raise	0	0	6,276
Merit increases	0	0	2,142
Within grade increases	0	0	2,824
Annularization of 1997 positions	0	10	1,064
Foreign allowance	0	0	1
Accident compensation	0	0	140
Travel/mileage allowance rate	0	0	5
Correspondence Management System	0	0	156
Interagency communication	0	0	12
ICASS increase for staffing	0	0	12
General pricing level adjustment	0	0	1,460
Northern Mariana Islands	0	0	237
INTERPOL - USNCB Dues	0	0	326
Total increases	0	10	14,666
Transfers			
1998 One Time Transfer from the FSJIC Resolution Fund	0	0	33,700
Net Adjustments to base	(11)	2	22,266
1998 Base	3,398	3,478	470,878
Program Changes	170	120	29,379
1998 Estimate	3,568	3,598	500,257

Legal Activities
Salaries and expense, General Legal Activities
Justification of Adjustments to Base
(Dollars in thousands)

FTE Amount

Base Adjustments:

Increases:

1. 1998 pay raise.
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the 1998 President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$6,276,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits.

6,276

2. Annualization and increase of 1997 pay raise.
This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested \$2,142,000, represents the pay amounts for three months of the year.

2,142

3. Within-grade increases.....
 This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization.

2,824

4. Annualization of 22 additional positions approved in 1997...
 This provides for the annualization of 22 additional positions provided in 1997 Congressional Action for the Criminal Division. This request includes nonrecurring costs for one-time items associated with the increased positions.

1,064

	Approved	Annualization
	1997 Increases	Required
Annual salary rate of 22 approved positions	\$1,270	
Less lapse (50%)	635	\$635
Net Compensation	635	205
Associated employee benefits	191	92
Travel	88	49
Transportation of Things	47	1
GSA Rent	200	44
Communications/Utilities	43	35
Printing/Reproduction	34	112
Other Services	233	18
Supplies/Materials	17	

Equipment	231	(177)
Total costs subject to annualization	1,719	1,064
5. Foreign allowances..... Allowances for Government employees in foreign areas are determined by the Department of State (DOS).		1
6. Accident Compensation..... This increase reflects the billing provided by the Department of Labor (DOL) for the actual costs in 1996 of employees' accident compensation, which will be billed in 1998.		140
7. Travel-mileage allowance rate increase..... The mileage allowance rate has increased from 30 to 31 cents per mile. An increase is requested in 1998 to cover this rate adjustment.		5
8. Correspondence management system..... An increase of \$158,000 is required in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. This new system, which provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved recordkeeping, and improved reporting capability.		158
9. Investigation/reinvestigation..... Executive Order 10450 "Security Requirements for Government Employees" requires that appointments of each civilian officer or employee in an any department or agency of the Government shall be made subject to investigation. Additional funding is required to cover the costs of additional contractor		

support needed to ensure timely compliance with this Executive Order. It is critical to accommodate the Department's security requirements by ensuring investigations and reinvestigations are timely initiated on newly appointed civilian officers and employees.

21

10. ICASS increase for staffing.....
Under the ICASS an annual charge will be made by the DOS for administrative support based on the number of overseas staff for each Federal agency. Because the law enforcement operations of the Department of Justice have increasing international demands, additional overseas staffing since 1995 will result in increased ICASS costs in 1998. Based on the additional overseas staffing, DOS has provided an increased cost estimate of \$12,000 for the Criminal Division and the Civil Division in 1998.

12

11. General pricing level adjustments.....
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs, and utilities.

1,460

14. Northern Mariana Islands.....
Prior to 1998, the Department of Interior reimbursed the Department of Justice for the costs of addressing serious crime problems in the Commonwealth of the Northern Mariana Islands (CNMI). However, beginning in 1998, reimbursement of these costs will not be available. Funding of \$237,000 is requested

19

to maintain current efforts in CNMI.	237
15. <u>INTERPOL - USNCB Dues</u>	
INTERPOL - USNCB is obligated to pay 102 budget units of dues on an annual basis. INTERPOL has implemented a plan to switch the currency of payments from Swiss francs to French francs, and raise dues for the member countries. The 1998 budget request is the second budget year in with the USNCB could incorporate these increases.	326
Total increases.....	10
	<u>14,666</u>

LEGAL ACTIVITIES
Salaries and expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1996 Actual	1997 Estimate	1998 Request	1999/2000
	Positions & Workyears	Positions & Workyears	Positions & Workyears	Positions & Workyears
Grades and salary ranges				
Executive Level III, \$123,100	1	1	1	0
Executive Level IV, \$115,700	6	6	6	0
Executive Level V, \$108,200	1	1	1	0
ES-6, \$122,888	1	1	1	0
ES-5, \$120,886	8	8	8	0
ES-4, \$118,008	81	81	82	1
ES-3, \$114,070	15	15	15	2
ES-2, \$105,208	16	15	16	1
ES-1, \$100,526	11	12	12	0
GS-15, \$69,300-90,090	1,446	1,438	1,502	64
GS-14, \$58,915-78,591	319	324	355	31
GS-13, \$49,856-64,814	250	239	254	15
GS-12, \$41,926-54,508	155	155	172	7
GS-11, \$34,845-44,538	277	285	305	37
GS-10, \$31,839-41,388	25	25	25	0
GS-9, \$28,912-37,588	196	195	205	10
GS-8, \$26,175-34,032	127	132	153	21
GS-7, \$23,634-30,726	348	337	324	(13)
GS-6, \$21,269-27,650	80	76	70	(6)
GS-5, \$19,587-25,852	42	42	35	(6)
GS-4, \$17,052-22,816	20	16	15	(1)
GS-3, \$15,193-19,747	6	5	5	0
GS-2	1	0	0	0
1997 Pay Increase	0	0	6,400	0
1998 Pay Increase	0	0	0	0
Total appropriated positions	3,447	3,409	3,568	6,567
Total appropriated salaries	211,764	219,051	236,895	17,844
Pay above stated annual rate	(269)	(1,255)	(9,807)	83
Salaries due to lower pay scales for part of year	0	(1,004)	(1,950)	(1,960)
Net full time permanent	3,178	196,296	224,512	15,820
Other than permanent				
Part time permanent	30	2,059	32	106
Temporary employment	127	4,010	128	221
Other part-time and intermittent compensation				
Other personnel compensation	53	6,153	62	471
Overline				
Other compensation	24	803	30	884
Special personal services payments	0	2,213	0	2,120
Total workyears and personnel compensation	3,412	213,946	244,477	18,898

\$118,558
\$9,227
11 91

\$118,529
\$9,732
11 83

\$118,624
\$94,113
10 89

Average ES Salary
Average GS/OLM Salary
Average GS/OLM Grade

Legal Activities
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

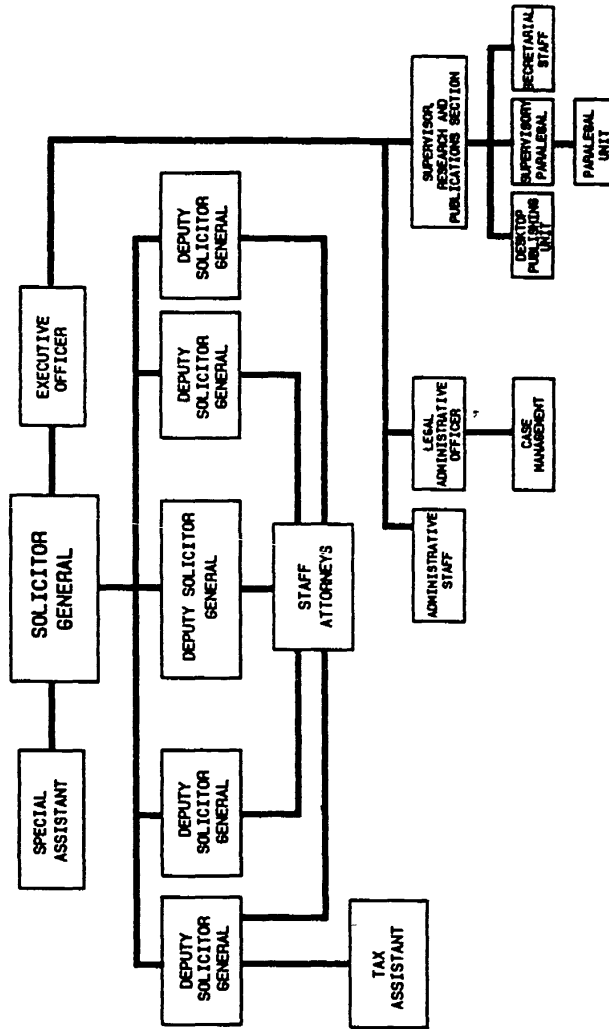
Object Class	1986 Actual Workyears	Amount	1987 Estimate Workyears	Amount	1988 Request Workyears	Amount	Inc/Ord Workyears	Amount
Personnel expenses								
11.1 Permanent positions	3,176	196,298	3,254	208,892	3,273	224,112	119	18,920
11.2 Positions other than permanent	210	12,222	222	13,472	225	14,270	3	728
11.3 Other personnel compensation	24	3,016	30	2,864	30	3,004	0	120
11.8 Special personnel services payments	0	2,412	0	2,531	0	2,891	0	180
Sub-total, personnel expenses	3,412	213,946	3,506	227,578	3,628	244,477	122	18,808
Reimbursable workyears								
Full-time permanent	[353]		[362]		[362]		[0]	
Non-personnel expenses								
12 Personal benefits	44,342			48,654		53,347		3,733
13 Health insurance	12,471			12,471		12,471		0
21 Travel and transportation of persons	12,965			13,096		14,261		1,165
22 Transportation of things	2,240			2,534		3,001		467
23 Standard level user charges	41,841			44,025		44,893		868
24 Printing and reproduction	8,104			8,471		8,895		421
25 Communications utilities and other rent	2,845			3,129		3,354		229
26 Printing and assistance services	5,572			8,264		7,047		(1,217)
27 Other services	54,877			65,022		80,078		15,056
28 Maintenance of equipment	10,171			10,268		10,304		36
29 Operation and maintenance of facilities	2,005			1,835		1,843		308
30 Supplies and materials	3,845			3,890		3,781		71
31 Reproduction and distribution	10,375			10,375		20,824		10,449
41 Grants, subsidies and contributions	1,328			1,510		1,970		4,182
42 Insurance, claims and indemnities	25			15		15		0
Total obligations	422,727		457,136		500,257			43,121
Unobligated balance, start-of-year		(8,541)		(11,886)		(4,453)		
Unobligated balance, transferred		11,886		4,453		4,453		
Unobligated balance, end-of-year		4,000		4,000		4,453		
Total requirements		428,072		448,753		500,257		
Reduction of obligations to outlays								
Total collections		422,727		457,136		500,257		
Unobligated balance, start-of-year		18,457		45,864		82,487		
Unobligated balance, end-of-year		(45,864)		(82,487)		(72,488)		
Adjustments in expired accounts		0		0		0		
Outlays		386,320		440,313		480,256		

Note: 1986 includes a \$12,105,000 transfer from the Bureau of Prisons.
1987 includes carryover of \$10,871,000 from LACA.

LEGAL ACTIVITIES
Salaries and expenses, General Legal Activities
Justification of Multi-Activity Program Changes
(Dollars in thousands)

Budget Activity/Program	Electronic FOIA Pos. WY Amount
1 Conduct of Supreme Court proceedings and review of appellate matters.....	0 0 \$0
2 General tax matters	5 3 191
3 Criminal matters	22 11 1,393
4 Claims, customs and general civil matters	4 2 304
5 Land, natural resources and Indian matter	3 2 204
6 Legal opinions	0 0 0
7. Civil rights matters.....	10 5 2,018
8. INTERPOL - USNCB	1 1 383
9. Legal Activities Office Automation.....	0 0 0
Total	45 24 4,493

OFFICE OF THE SOLICITOR GENERAL



Approved: *Janet Reno* Date: May 17, 1995
 JANET RENO
 Attorney General A1

Office of the Solicitor General Salaries and Expenses Summary of 1997 Changes (Dollars in thousands)									
Activity/Program	1997 President's Budget Request		Congressional Appropriations Action on 1997 Request		Rescission/Amend.		1997 Appropriation Anticipated		
	Fed.	NI	Fed.	NI	Fed.	NI	Fed.	NI	
Contract of Supreme Court Justices and Justices of appellate matters.....	48	52	86,347	...	(2)	(225)	...	...	48 50 84,122

Commissioners Association Action. Conference action denied 2 months and \$25,000.

Office of the Solicitor General
Salaries and expenses, General Legal Activities

Summary of Requirements
(Dollars in thousands)

Adjustments in base:											
1997 appropriation enacted.....											
Mandatory increases:											
1998 pay raise.....											
Automatic increases.....											
Within grade increases (WGI).....											
Correspondence management system.....											
General pricing level adjustments.....											
Special mandatory increases.....											
1998 base.....											
1996											
1997 Appropriation											
1998 Base											
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**Office of the Solicitor General
Salaries and Expenses, General Level Activities
Justification of Program and Performance**
(Dollars in Thousands)

Federal Appellate Activity					
1997 Appropriation Enacted					
1998 Base					
1999 Estimate					
Increase/Decrease					
	Perm.	LIE	Amount		
	48	50	\$6,122		
	48	50	\$6,302		
	48	50	\$6,302		
	...	...	\$ 0		

BASE PROGRAM DESCRIPTION: The major function of the Solicitor General's Office is to conduct Government litigation in the Supreme Court of the United States.

The Office of the Solicitor General is the government's foremost legal office. The original Statutory Authorization Act of June 22, 1870, states: "There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties to be called the Solicitor General." As stated in 28 CFR 0.20, the general functions of the Office are as follows: (1) conducting or supervising all Supreme Court cases, including appeals, petitions for certiorari, writs of habeas corpus, and other matters; (2) preparing and presenting oral arguments before the Supreme Court; (3) determining whether a brief will be filed by the government, or whether the government will intervene, in any appellate court; and (4) assisting the Attorney General and the Deputy Attorney General in the development of broad department program policy.

During the 1995 Term of the Supreme Court (June 30, 1995 through June 30, 1996), the office had 304 Supreme Court matters pending at the beginning of the Term and received 2,715 additional matters during the Term, for a total of 3,019 matters. The office also completed approximately 920 appellate determinations, 728 SCILLEGAL determinations, and 786 miscellaneous recommendations. SCILLEGAL determinations include SCILLEGAL participation, mandamus, rehearing, settlement, stays, etc. The figure for miscellaneous recommendations does not include oral arguments in the Supreme Court, conferences, correspondence, etc. The attorneys in the office participated in 67 oral arguments before the Supreme Court.

The office anticipates an increase in the number of Supreme Court matters, appellate determinations, SCILLEGAL determinations, and miscellaneous recommendations in both 1997 and 1998. During the 1996 Term of the Supreme Court (July 1, 1996 through June 30, 1997), the office had 377 Supreme Court matters pending at the beginning of the Term, anticipates receiving an additional 2,987 Supreme Court matters, terminating approximately 2,914 of these matters, leaving a balance of 650 matters pending at the end of the Term. The office also anticipates completing approximately 923 appellate determinations, 732 SCILLEGAL determinations, 790 miscellaneous recommendations, and participating in approximately 67 oral arguments before the Supreme Court. During the Term of the Supreme Court (July 1, 1997 through June 30, 1998), the office anticipates receiving an additional 3,002 Supreme Court matters, terminating approximately 2,929 of these matters, leaving a balance of 523 matters pending at the end of the Term. The office also anticipates completing approximately 920 appellate determinations, 735 SCILLEGAL determinations, 794 miscellaneous recommendations, and participating in approximately 67 oral arguments before the Supreme Court.

This office does not initiate any programs or have control of the Supreme Court litigation. It is required to conduct or the number of appeal and SCILLEGAL determinations and enforcement of federal programs. Examples in recent Term include cases presenting significant issues of criminal procedure (affecting the government's ability to succeed in prosecutions), as well as important issues under the civil rights laws (such as the Voting Rights Act), the environmental laws (such as the Clean Water Act) and many others.

PROGRAM CHANGES:

None

Office of the Solicitor General
 Salaries and Expenses
 Detail of Permanent Positions by Category
 Fiscal Years 1996 - 1998

Category	1996		1997		1998	
	Total		Total		Total	
	Authorized		Authorized		Request	
Attorneys (900).....	22	22	22	22	22	22
Paralegal Specialists (950).....	6	6	6	6	6	6
Other Legal and Kindred (900-998).....	1	0	0	0	0	0
Accounting and Budget (300-599).....	1	1	1	1	1	1
Gen. Admin., Clerical and Office Etc. (300-399).....	18	19	19	19	19	19
Total.....	48	48	48	48	48	48
Washington.....	48	48	48	48	48	48

Office of the Solicitor General
 Salaries and Expense
 Summary of Attorney and Support Positions/Positions
 FY 1997 - 1998

Decision Unit	1997 Appropriation Enacted			1998 Increase			1998 Request Level		
	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE
Federal Appellate Activity	22	28	48	...	...	...	22	28	48
Total	22	28	48	...	...	...	22	28	48

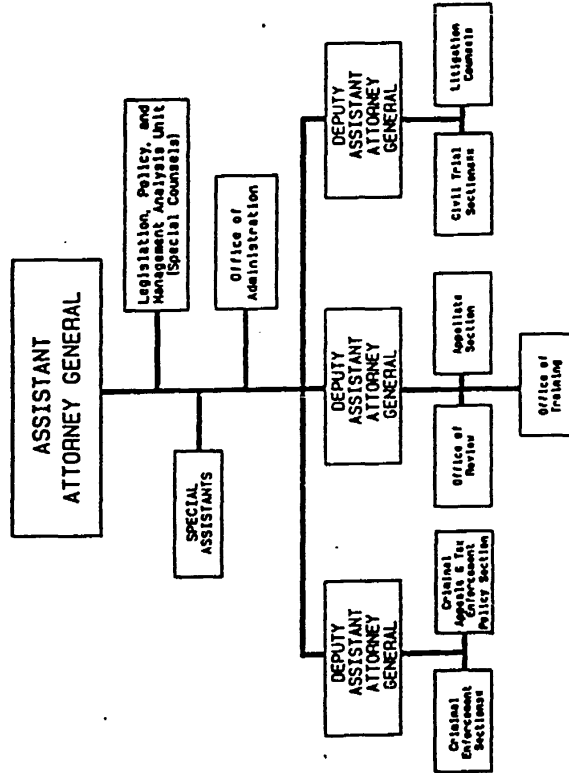
Office of the Solicitor General
 Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

Grades and salary ranges	1976 Actual		1977 Estimate		1978 Estimate	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level III - \$123,100 - \$155,700	1	123,100	1	123,100	1	123,100
GS-5	1	115,700	1	115,700	1	115,700
GS-4	1	111,900	1	111,900	1	111,900
GS-3	1	106,200	1	106,200	1	106,200
GS-2	1	101,400	1	101,400	1	101,400
GS/GR-15	1	972,181	1	972,181	1	972,181
GS-14	1	879,994	1	879,994	1	879,994
GS-13	1	820,712	1	820,712	1	820,712
GS-12	1	811,523	1	811,523	1	811,523
GS-11	1	835,786	1	835,786	1	835,786
GS-10	1	832,571	1	832,571	1	832,571
GS-9	1	829,777	1	829,777	1	829,777
GS-8	1	826,178	1	826,178	1	826,178
GS-7	1	821,758	1	821,758	1	821,758
Locality pay	1	79	1	79	1	79
1977 pay raise	1	95	1	95	1	95
Pay above stated annual rates	1	3,155	1	3,155	1	3,155
Lapses	1	12	1	12	1	12
Savings due to lower pay scales for part of year	1	(179)	1	(179)	1	(179)
Net full-time permanent	41	3,853	41	3,853	41	3,853
Other than permanent	2	79	2	79	2	79
Temporary employment	7	322	7	322	7	322
Other part-time and intermittent employment	1	81	1	81	1	81
Other personnel compensation:	2	447	2	447	2	447
Overtime	2	73	2	73	2	73
Compensation for actively unemployable	2	73	2	73	2	73
Compensation for inactive	2	73	2	73	2	73
Other compensation	2	73	2	73	2	73
Special actual services payments	2	73	2	73	2	73
Total, workyears and personnel compensation	55	3,450	55	3,450	55	3,450
Average GS salary	115,341		115,341		115,341	
Average GS/GR salary	845,947		845,947		845,947	
Average GS/GR grade	12.20		12.20		12.20	

Office of the Solicitor General
 Salaries and Expenses
 Summary of Revenues and Expenditures by Object Class
 (Dollars in thousands)

Object Class	1996 Actual Revenues	1997 Actual Revenues	1998 Actual Revenues	1999 Actual Revenues	2000 Actual Revenues	
11.1 Total salaries and personnel compensation.....	61	\$2,853	43	\$3,160	43	104
11.2 Other than full-time permanent.....	9	401	7	528	7	17
11.3 Other personnel compensation.....	2	194	2	73	2	0
11.8 Special personal services payments.....	0	0	0	0	0	0
Total.....	72	\$3,450	52	\$3,658	52	121
Reimbursable employees:						
Full-time permanent.....	...	...	...	...	...	...
Other Object Classes:						
12.0 Personnel benefits.....	644	713	713	742	...	29
12.1 Benefits to former personnel.....	13	16	16	16	...	0
21.0 Transportation of persons.....	166	180	180	185	...	5
23.1 Gas rent.....	598	604	604	604	...	0
23.3 Com., util., & other misc. charges.....	110	118	118	118	...	0
24.0 Printing and reproduction.....	453	477	477	490	...	13
24.2 Other services.....	119	132	132	132	...	0
25.1 Research and development contracts.....	0	0	0	0	...	0
25.3 Medical care.....	6	6	6	6	...	0
25.6 Operation and maintenance of equipment.....	54	67	67	69	...	2
25.7 Equipment.....	99	107	107	107	...	2
31.0 Total obligations.....	5,807	52	6,122	53	6,502	180

TAX DIVISION



■ Northern, Southern, Western
■ Northern, Eastern, Central, Southern, Southwestern,
Western, Court of Federal Claims

Approved: *Janet Reno* Date: *11/18/98*
JANET RENO
Attorney General

B-1

Tax Division
Salaries and Expenses (General Legal Activities)
 Continuing FY 1997 (Continued)

Activity Title	1997 President's Budget Request		Congressional Appropriation FY 1997 Request		Adjustments to Positions and Workyears***		Representations		1997 Appropriation Requested		
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	
Federal Appeals	85	78	57,574	—	(5)	(5645)	(12)	(5)	73	69	\$7,239
Criminal Prosecution	127	132	14,000	—	(7)	(51,810)	(9)	(1)	118	116	13,000
Civil Litigation	345	321	32,427	—	—	(51,200)	(64)	(36)****	299	285	31,817
Management and Administration	92	92	8,790	—	—	(7,112)	2	—	99	99	8,007
Total	649	614	\$63,911	—	(11)	(94,160)	(69)	(46)	299	285	\$59,343
Reimbursable WY	—	12	—	—	—	—	—	—	—	14	—
Grand Total WY		626				(26)				297	

Notes:

*On early January 1997, the Tax Division agreed to implement the Restructuring Initiative launched in 1994, which resulted in a number of changes to the Division's positions and two years and their allocation among job types and divisions units. Thus, the figures in this budget request do not match figures supplied earlier in the year or those in the President's FY 1998 budget requests.

**This reflects funding as provided in the 1997 Conference Report (H.R. Conf. Rep. No. 104-463), 104th Congress, 2d Sess. (1995). The Tax Division's request to restore 11 workyears and \$1,176,000 not to absorb reductions in the FY 1996 base was denied.

***On FY 1997, the Tax Division will have to absorb approximately \$1.8 million in unabsorbed expenses. As a consequence, over the course of the year, the Division will eliminate 46 positions and 38 workyears. One extended workyear shown on this exhibit in previous budget submissions, plus 16 positions associated with the Organized Crime Drug Enforcement Task Force, have been moved to another exhibit because they reflect positions for which the Division receives reimbursement from outside the Department. Simultaneously, the Division has moved to implement the Restructuring Initiative that will make greater use of part-time and related litigation support positions and absorb some unabsorbed administrative and clerical positions.

****The Division expects that the over-absorbing majority of these reductions will be made in non-attorney positions.

FILE CDSW0114

01/19/97
B-3

Tax Divisions
Salaries and Expenses, General Legal Activities
Summary of Requirements
(Dollars in thousands)

	Perm.	WY	Amount
1997 Appropriation Requested.....	649	614	\$63,511
Congressional Actions.....	(11)	(11)	(4,164)
Adjustment to Positions and Workyears.....	(60)	(40)	...
1997 Appropriation Enacted.....	599	563	\$58,343
Increases.....			
Anticipation of 1997 Pay Raise.....	...	...	352
1998 Pay Raise.....	...	...	1,026
CSRS Retirement Adjustment.....	...	...	...
Within-Grade Increases (WGI).....	...	...	470
Travel Mile Allowance Rate.....	...	...	1
Investigative/Inspection.....	...	...	2
General Pricing Level Adjustments.....	...	...	148
Total Increases.....	...	...	1,999
Adjustment to Positions and Workyears for Restructuring.....	(11)	(6)	...
1998 Base.....	578	555	\$61,342
Program Changes (see Financial Analysis - Program Changes for detail).....	13	7	653
1998 Estimate.....	591	562	\$61,995

	1997 Appropriation Enacted		1998 Base		1998 Estimate		Increase/Decrease	
Estimates by Program	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY
Total:	599	563	\$58,343	578	555	\$61,342	13	7
Removable Workyears	14	14	...	14	14	...	...	...
Total Workyears	577	549	...	564	541	...	7	7
Other Workyears: Overtime	2	2	...	2	2	...	...	...
Total Compressible Workyears	579	579	...	571	571	...	7	7

FILE: SUMRQC11

01/28/97
B-3

Tax Division
Salaries and Expenses, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1996 as Enacted			1996 Actual			1997 Appropriations			1998 Base			1998 Estimate			Increase/Decrease				
	Perm.	Pos.	WY	Amount	Perm.	Pos.	WY	Amount	Perm.	Pos.	WY	Amount	Perm.	Pos.	WY	Amount	Perm.	Pos.	WY	Amount
Tax																				
Federal Appeals	85	74	\$7,101	85	75	\$7,432	73	69	\$7,239	70	66	\$7,466	70	66	\$7,466	...	4	2	\$211	...
Criminal Prosecution	127	115	12,357	127	116	12,651	118	114	11,040	122	118	11,564	126	120	11,715	...	4	2	\$211	...
Civil Litigation	345	321	31,278	345	298	30,813	299	285	31,037	300	290	32,075	309	295	32,497	9	5	422	...	
Management and Administration	92	93	8,241	92	103	8,136	99	95	8,007	86	81	8,297	86	81	8,297	...	...	...	...	...
Total	649	603	\$59,377	649	592	\$59,052	589	563	\$59,343	578	555	\$61,342	591	563	\$61,995	13	7	\$653	...	...
Reimbursable Workyears	12				10				14			14			...					
Total Workyears	615				602				577			569			576			7		
Other Workyears: Overtime	2				2				2			2			2					
Total Compensable Workyears	617				604				579			571			578			7		

Note

*In FY 1997, the Tax Division will have to absorb approximately \$10 million for unfunded expenses. As a consequence, over the course of the year, the Division will eliminate 46 positions and 38 workyears. (One criminal workyear and one management workyear, displayed in previous budget submissions as part of the Division's appropriation, plus 14 positions associated with the Organized Crime Drug Enforcement Task Force, have been shifted to reflect reimbursements received from outside the Department.) Simultaneously, the Division has started to implement its Restructuring initiative that will make greater use of paralegal and related litigation support positions and eliminate some unneeded administrative and clerical positions. Accordingly, FY 1997 workyears represent a bridge between the Division's traditional workforce and the workforce that will be in place when the Restructuring initiative is fully implemented at the end of FY 1998. Permanent positions for FY 1997 and FY 1998 represent the sum of full- and part-time permanent positions supported by available funding plus a five percent lapse rate to take account of personnel turnover.

FILE: SUMPRC11

01/28/97
B-4

Tax Division
Salaries and Expenses, General Legal Activities
Reimbursable Expenses, Summary of Requirements
(Dollars in thousands)

Collections by Source	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease					
	Pos.	W.Y. Amount	Pos.	W.Y. Amount	Pos.	W.Y. Amount	Pos.	W.Y. Amount				
Organized Crime & Drug Enforcement Task Force	14	8	\$1,117	14	12	\$1,227	14	12	\$1,237	..	..	\$10
Three Percent (3%) Debt Collection Fund	..	..	..	..	..	..	..	..	..	..	..	(500)
United States Attorneys	..	..	5	..	..	93	..	..	..	..	..	(93)
Internal Revenue Service	1	1	151	1	1	134	1	1	159	..	..	5
Executive Office of the President	..	..	2	..	..	..	..	..	..	..	..	..
Treasury Department/Office of the Secretary	1	1	41	1	1	93	1	1	95	..	..	2
Total	16	10	\$1,316	16	14	\$2,067	16	14	\$1,511	..	..	(\$556)

Obligations by Program	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease					
	Pos.	W.Y. Amount	Pos.	W.Y. Amount	Pos.	W.Y. Amount	Pos.	W.Y. Amount				
Federal Appeals	..	..	..	..	..	..	..	..	..	..	..	..
Criminal Prosecution	15	9	\$1,165	15	13	\$1,323	15	13	\$1,332	..	..	\$29
Civil Litigation	..	..	..	..	..	500	..	..	..	..	..	(500)
Management and Administration	1	1	151	1	1	244	1	1	159	(85)
Total	16	10	\$1,316	16	14	\$2,067	16	14	\$1,511	(\$556)

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Tax Division
Salaries and Expenses, General Legal Activities
Mission and Goals

MISSION

The primary mission of the Tax Division is to enforce the country's tax laws in Federal and state courts and thereby generate revenue for the Federal Government. The Division's tax enforcement has a two-pronged mission: (1) to deter specific taxpayers from conduct that drains the Federal fisc, and (2) to deter the taxpaying public at large through successful specific deterrence. By judiciously allocating its resources between specific and general deterrence, the tax enforcement litigation conducted by Division attorneys ensures that the nation's internal revenue laws are fairly and uniformly applied and that the public complies with the nation's tax laws. The most significant result of the Division's efforts is obtained every time the Federal Treasury collects a tax that has been correctly and justly imposed and every time it avoids making an erroneous refund. In this way, the Tax Division's accomplishments contribute significantly and directly to efforts by the Administration and Congress to reduce the Federal budget deficit.

GOALS

1. To promote the fair, correct, and uniform enforcement of the Federal tax laws in the nation's trial and appellate courts;
2. To foster the public's voluntary compliance with the tax laws through vigorous criminal prosecution of individual and corporate taxpayers that violate Federal tax laws;
3. To enhance collection by the U.S. Treasury of tax debts;
4. To assist in the development of Federal tax policy by (i) analyzing proposed legislation that affects civil litigation, appeals, and criminal prosecutions arising under the Internal Revenue Code and (ii) maintaining high quality relationships with the Internal Revenue Service, the Department of the Treasury, and components within the Department of Justice, including the United States Attorneys' Offices; and
5. To manage the Division efficiently and effectively.

Tax Division
Salaries and Expenses, General Legal Activities
(Dollars in thousands)

Justification of Program and Performance

FEDERAL APPEALS

	Positions	FTE	Amount
1997 Appropriation Enacted	73	69	\$7,229
1998 Base	70	66	7,466
1998 Estimate	70	66	\$7,466
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

Tax Division lawyers working in the Appellate Section litigate all Federal civil tax cases appealed to the United States courts of appeals and state appellate courts. They also draft pleadings and briefs filed by the Solicitor General in the United States Supreme Court and make recommendations to the Solicitor General regarding the advisability of filing: (i) appeals in civil tax cases where the Federal Government did not prevail before the district courts, the Court of Federal Claims, the Tax Court, and state courts; and (ii) petitions for certiorari in civil tax cases where the Federal Government did not prevail in an appellate forum. In addition, attorneys in this section handle appeals generated in Freedom of Information Act and Privacy Act cases, civil tort suits that involve IRS officials and employees, and cases involving inter-Governmental immunity. They prepare *amicus curiae* briefs filed by the United States in private lawsuits that present issues affecting the interests of the IRS and in other cases where a court invites the Government to state its views on civil tax-related questions.

Case examples illustrate in substantive and tangible terms the nature of the work, its specific and general deterrent value, and its effects on revenues. In each of the cases described below, attorneys from the Tax Division's Appellate Section played a critical role by briefing and/or arguing civil tax issues that have a significant impact on the public fisc:

Specific Deterrence

- In *Chevron U.S.A. Inc. v. United States*, the Fifth Circuit denied taxpayer's claim for a refund of \$72 million (plus interest) in windfall profit taxes paid for 1984 and 1985. Specifically, in February 1996 the Court rejected taxpayer's contention that it could allocate a portion of the interest expense incurred by its parent (on debt incurred to finance the acquisition of Gulf Oil) to its cost of producing oil for the purpose of calculating the net-income limitation on windfall profit tax.
- In *Texas Farm Bureau v. United States*, the Fifth Circuit reversed the unfavorable judgment entered by the District Court on a jury verdict. The principal issue was whether payments received by Texas Farm Bureau, a tax-exempt organization, from two partially-owned insurance companies were tax-exempt royalties or were instead taxable compensation received for Texas Farm Bureau's promotion and sponsoring of the insurance companies to its membership. The court's decision in this case, holding that the payments were taxable, saved the Government approximately \$3.6 million.
- In *Allied-Signal, Inc. v. Commissioner*, the Third Circuit denied the taxpayer a deduction for \$8 million paid in 1977 to the Virginia Environmental Endowment Fund. The taxpayer claimed the \$8 million was deductible as an ordinary and necessary business expense, rather than a nondeductible "fine or similar penalty" under IRC Section 162(f).

General Deterrence

- In *American Mutual Life Insurance Co. v. United States*, where an industry-wide issue of first impression with approximately \$4 billion in revenue through the end of 1993 was at stake, the Eighth Circuit endorsed the Government's interpretation of the method used to determine the taxation of mutual life insurance companies under Section 809 of the Internal Revenue Code. Section 809, which was enacted as part of the Deficit Reduction Act of 1984, reduces the deductions available to mutual companies from the

payment of dividends to their policyholders through a complicated formula that involves a comparison between the earnings rates of the stock and mutual life insurance companies.

- In *National Commodity and Barter Association v. United States*, the plaintiff sought to recover over \$2 million applied against civil tax penalties assessed against it for failing to file partnership returns and promoting abusive tax shelter plans. NCBA is an organization headquartered in Colorado that sold a manual for conducting frivolous tax protest litigation and operated a "warehouse bank" that kept no records of the customers' banking transactions. In November 1994, the Tenth Circuit dismissed this tax refund suit and in October 1995 the Supreme Court denied the plaintiff's petition for review.

- In *United States v. Marc D. Blackman, et al.* (9th Cir. 1995), the Court of Appeals upheld enforcement of an IRS summons. In this case, a law firm filed incomplete IRS Forms 8300 indicating that it had received cash payments of more than \$10,000 from clients, but failed to disclose identifying information regarding the transactions, as required by Section 60501. The Court of Appeals sustained the district court's ruling that the IRS was not required to follow the "John Doe" summons procedures in serving its summons, based on its determination that it was conducting a legitimate investigation of the law firm's compliance with the law. The court further concluded that the district court did not err in finding that the attorney failed to establish that disclosure of the identities of his clients would be tantamount to revealing a confidential communication protected by the attorney-client privilege, and that the attorney could not rely upon his own privilege against self-incrimination to avoid producing records belonging to the law firm. The Ninth Circuit denied the defendant's request for a rehearing en banc, and in June 1996 the attorney filed a Petition for a Writ of Certiorari in the Supreme Court. Recently, in *United States v. Nancy Gertner, et al.*, the First Circuit affirmed a district court's finding that the Government was required to comply with the "John Doe" summons procedures in seeking client-identifying information with respect to cash payments made to a law firm. Enforcement of the cash reporting requirements contained in Section 60501 is a matter of great importance to the IRS, and the Division continues to litigate to clarify the law in this area.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Federal Appeals		PERFORMANCE, TARGETS AND ACTUAL RESULTS						
PERFORMANCE INDICATOR INFORMATION		1994	1995	1996	1997	1998		
Type of Indicator	Performance Indicators	Actual	Actual	Target	Actual	Target		
Input/ Activity	1. Number of cases received from the District Courts, the Tax Court, the State courts, and the Court of Federal Claims							
	A. Tax Court	307	293	---	319	---		
	B. District Court	577	522	---	427	---		
	C. All other Courts	61	50	---	45	---		
	Total	945	865	---	791	---		
Intermediate Outcome	2. Number of cases in which oral argument is heard	257	279	---	257	---		
	3. Number of substantive motions and responses and oppositions thereto, and jurisdictional memoranda filed per year	N/A	124	---	103	---		
Output/ Activity	4. Percent of taxpayer appeals won, at least in part, by the Government	91%	90%	---	92%	---		
	5. Percent of Government appeals and cross-appeals in which at least part of the relief sought is awarded	61%	62%	---	67%	---		

NAME OF DECISION UNIT: Federal Appeals		PERFORMANCE TARGETS AND ACTUAL RESULTS					
PERFORMANCE INDICATOR INFORMATION							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
Predictability/ Efficiency	6. A. Number of appeal recommendations, and settlement, certiorari, venue, rehearing, confession of error, mandamus, and amicus participation memoranda prepared per attorney work year	9.3 (477/51.1)	8.2 (400/49)	---	8.0 (398/49.8)	---	---
	D. Number of briefs, reply briefs, petitions for rehearing etc., filed per line attorney work year	18.7 (750/40.1)	19.0 (723/38)	---	14.8 (576/38.8)	---	---

<p>A. Definitions of Terms or Explanations for Indicators:</p> <p>These performance indicators reflect the general goals of the Tax Division's Appellate Section. Because the bulk of the work consists of representing the Government in tax appeals, performance measures #4 and #5 are indicators of our success in protecting the revenue, in achieving fair results, and in preserving our reputation for just and effective advocacy in the courts.</p>	<p>B. Factors Affecting FY 96 Program Performance.</p> <p>Performance Indicator #1 sets forth the number of cases received by the Appellate Section from the various trial courts - 791 cases were received during FY 1996. Performance Indicator #2 lists the number of cases in which the courts of appeals heard oral argument, typically the most difficult cases handled by the Appellate Section. Oral argument was heard in 257 cases in FY 1996. Performance Indicator #3 lists the number of substantive motions and responses and oppositions thereto, and jurisdictional memoranda filed by Appellate Section attorneys - 103 such pleadings were filed during FY 1996. Performance Indicators #4 and #5 report the Appellate Section's winning percentage in taxpayer and Government appeals. The lower percentage of wins for Government appeals reflects the fact that such appeals are of cases where the Government did not prevail in the lower courts. The Appellate Section was victorious in 92 percent of its taxpayer appeals and 67 percent of its Government appeals in FY 1996. Performance Indicator #6A sets forth the number of appeal recommendations, and settlement, certiorari, venue, etc. memoranda prepared per attorney work year. Similarly, Performance Indicator #6B lists the number of briefs filed per line attorney work year - 398 appeal recommendations and memoranda were prepared during FY 1996, and 576 briefs were filed during the same period. Factors that affect the workload of the Appellate Section include IRS administrative actions, such as litigation referrals; the type and amount of civil and appellate litigation brought by taxpayers and others under the Internal Revenue Code; and the enactment of legislation affecting tax laws and the litigation arising under these laws.</p>	<p>C. Factors Affecting Selection of FY 97 and 98 Targets.</p> <p>The Tax Division is in the process of redesigning its case management system. By FY 1998, it is anticipated that all Federal Appeals statistics will be automated. A refined measurement system may cause some variation in the way some statistics are calculated.</p> <p>Targets and estimates are omitted because they may be viewed as setting numeric goals which are not consistent with the Tax Division's mission and the goal of just and fair treatment of taxpayers.</p>
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1/2/97 9:30 a.m.

CRIMINAL PROSECUTION

	Positions	FTE	Amount
1997 Appropriation Enacted	118	114	\$13,080
1998 Base	122	118	13,504
1998 Estimate	126	120	\$13,735
Increase/Decrease	4	2	\$ 231

BASE PROGRAM DESCRIPTION:

Attorneys in the Tax Division's four Criminal Enforcement Sections investigate and prosecute individuals, corporations, nonprofit organizations, and other taxpayers that attempt to commit tax evasion, willfully fail to file tax returns, file false tax returns, and otherwise intentionally attempt to evade their obligations under the Federal tax laws. They also investigate and prosecute tax violations occurring in the context of other criminal conduct such as financial institution fraud, narcotics trafficking, bankruptcy fraud, health care fraud, organized crime, public corruption, motor fuels and other excise tax fraud, and domestic and international tax conspiracies. The Division seeks to promote a balanced program of criminal tax enforcement by investigating criminal conduct nationwide in a variety of industry and occupational market segments.

The Criminal Enforcement Sections receive IRS requests to initiate grand jury investigations and requests to prosecute taxpayers identified by the IRS as a result of its own administrative investigations. Tax Division prosecutors review and screen these referrals to ensure that uniform standards of prosecution are employed and that all criminal tax violations warranting prosecution are, in fact, prosecuted. This review of criminal tax cases by Criminal Enforcement attorneys contributes to the high overall quality of criminal tax prosecutions and results in better than a 95 percent conviction rate, both of which are essential to deterring taxpayer fraud. After the Tax Division authorizes tax charges that can be brought against a taxpayer, prosecutions are handled either by the U.S. Attorneys, or in complex and significant cases (or cases in which the U.S. Attorney requests assistance), by Tax Division Criminal Enforcement attorneys. Tax Division attorneys also provide legal advice to the U.S. Attorneys' Offices on a wide range of issues.

In 1995, the Tax Division launched an initiative to increase the number of legal source income tax cases prosecuted by the Government. These cases constitute the core of the Tax Division's criminal prosecution mission and because they can involve tedious issues of law and complex methods of proof, such as net worth and bank deposits, demonstrate well the special skills that Tax Division prosecutors bring to the effort to stem white collar crime. The objectives of this initiative include (1) increasing the identification, investigation, and prosecution of legal source income tax prosecutions brought each year; (2) developing a systematic approach for handling criminal prosecutions of organized tax protester groups and to provide training so that these prosecutions are handled efficiently and effectively; (3) coordinating efforts by the Justice Department, including U.S. Attorneys, and the Criminal Investigation (CID) and Examination Divisions of the IRS on traditional tax cases, *i.e.*, cases that will reduce the growing tax gap; (4) reducing the number of pending legal source income tax cases in U.S. Attorneys' Offices; and (5) supporting efforts by IRS Divisions (Examination, Collection, and Criminal Investigation) to improve the quality and quantity of case referrals that IRS revenue agents make to criminal investigators.

Briefly, the voluntary income tax system loses billions of dollars annually in uncollected tax revenues, *i.e.*, the "tax gap." The imperative to close the gap is self-evident. In order to close this gap and increase revenues, the IRS and the Justice Department have launched an effort to reinvigorate the Government's tax enforcement program.

- The annual legal income source tax gap stands at approximately \$120-170 billion.
- In 1993, there were more than ten million nonfilers.
- The number of "pure" tax prosecutions -- those without other crimes charged -- has actually declined over the last five years.

The public's confidence in the fairness and integrity of the income tax system is critical if the Government is to retain its ability to fund its operations through a voluntary tax system.

Together, the Tax Division and the IRS have established a working group to supervise this initiative composed of the Tax Division's Deputy Assistant Attorney General (Criminal); the IRS Assistant Commissioner for Criminal Investigation; the Assistant Chief Counsel (Criminal Tax); and representatives of the Attorney General's Advisory Committee of United States Attorneys. CID has reported that it is committed to increasing the amount of direct investigative time devoted to legal source income Tax Gap cases by two percent each year. The Tax Division projects that by the end of FY 1996, the number of administratively-investigated cases involving legal sources of income

will be over 25 percent higher than FY 1995.¹ When receipts of other kinds of administratively-investigated cases important to criminal tax enforcement, such as electronic filing fraud and tax protester cases, are included the increase is almost 40 percent higher than FY 1995. The increase in these cases reverses a 15-year decline. Even with respect to grand jury cases referred by the IRS, the Tax Division projects the number of legal source and other priority areas will increase by approximately 22 percent in FY 1996. While most Tax Gap cases may not generate significant national media attention, these prosecutions receive front page newspaper coverage in local communities across the country and serve to remind ordinary taxpayers of the terrible price paid by those who choose to cheat on their taxes. These are the cases where maximum deterrence occurs.

Following are several illustrations of the recent accomplishments of the Tax Division's Criminal Enforcement attorneys. Examples are drawn from cases that comprise the Division's core criminal prosecutorial mission, *i.e.*, Tax Gap project cases where the tax crime involves income from a legal source -- such as the bank president who engages in self-dealing, the restaurateur who skims from the cash register, or the doctor who keeps two sets of bookkeeping records; tax protester prosecutions; and cases where the source of the tax charges arises out of conduct that was otherwise criminal, *i.e.*, illegal source income prosecutions. Also highlighted is the participation by Tax Division prosecutors in international tax treaty matters that permit the Department to have access to evidence in foreign jurisdictions of tax and other financial crimes.

Tax Gap Cases: Legal Source Income Prosecutions

- In *United States v. Arthur and Juanita Mallard* (S.D. Ala.), the jury convicted both defendants in connection with their business, which manufactured and distributed various "beauty aids" including "Baby Don't Be Bald" (which supposedly causes hair to grow) and "Reetn-A Anti-wrinkle Cream." Since the Mallards claimed that these products affect the structure of the human body, they are classified as drugs that require FDA approval before being introduced into interstate commerce. The Mallards failed to pay taxes on their "cosmetics" business' income and placed real and personal property in the name of a church that Arthur incorporated, the Mount Triumph Baptist Church. After the IRS seized a church bank account, the Mallards transferred their real property to family members and other corporations that they controlled. They also stopped using their own bank accounts and had Mallard's sisters open accounts for his use. They also transferred ownership of their business and seven cars to Arthur's girlfriend, and to support the impression that the girlfriend

¹Administratively-investigated cases are those most likely to involve legal sources of income and therefore contribute most directly to reducing the Tax Gap

owned the business, the Mallards filed a 1991 tax return on which they claimed to be W-2 earners working for her. In 1991, the Mallards filed a bankruptcy petition naming the IRS as their only creditor. The petition also failed to list real and personal property that they owned or controlled. In July 1996, Arthur was convicted of bankruptcy fraud, evasion of payment, filing a false return, procuring a false return, mail fraud (2 counts), and placing unapproved drugs into interstate commerce with the intent to defraud (7 counts). (In addition to containing substances other than the drugs approved for the claimed uses (minoxidil and retin-A), some of their "cosmetics" were colored with house paint.) Juanita was convicted of bankruptcy fraud and evasion of payment. Following the jury's verdict, Arthur's bond was revoked and he was remanded to the county jail pending sentencing. Arthur faces a sentence of 108 - 135 months; Juanita faces a range of 70 - 87 months.

- In *United States v. Louis P. Jones* (D. Mass.), a former Tax Examining Assistant at the IRS Andover Service Center pled guilty to a two-count criminal information charging him with the unlawful receipt of compensation for the preparation of tax returns by an IRS employee and with aiding and assisting in the preparation of a false tax return. While employed at the IRS, Jones operated a return preparation business where he prepared returns for compensation and inflated certain Schedule A deductions for his clients. He attempted to conceal his return preparation activities from the IRS by failing to sign and complete the return preparer signature block on the tax forms. Sentencing will take place in Fall 1996.

- In *United States v. Lloyd and Stetly Sparks* (D. Nev.), both defendants pled guilty to conspiracy to defraud the United States by evading payroll and individual income taxes and filing false employment and individual income tax returns in connection with the operation of their businesses, Sparks Plastering and Drywall. In the indictment, the defendants were charged with attempted tax evasion for the years 1988 to 1991 for failing to disclose more than \$5 million in business receipts to their return preparers and the IRS and by evading payment of substantial employment taxes for the years 1989 through 1991. In addition, the defendants were charged with filing a false 1991 individual income tax return. Sentencing will take place in Fall 1996.

- In *United States v. Vern Odell Crawford* (W.D. Va.), the jury convicted the defendant of failing to file tax returns and obstructing the grand jury's investigation of his criminal tax conduct. Crawford owns a number of small stores in service stations. As of the time Crawford was first contacted in May 1992 by an IRS Special Agent, he had not filed a tax return since tax year 1983. Moreover, during the intervening years, Crawford told various financial institutions that his net worth increased by approximately \$300,000. When the grand jury began investigating Crawford, he backdated documents and intimidated witnesses. The jury convicted Crawford in April 1996; he will be sentenced in Fall 1996.

- In *United States v. Julius Klausner* (S.D.N.Y.), the jury convicted Klausner, a successful Scarsdale, New York, CPA and tax return preparer, of all counts contained in a 27 count indictment: four counts of attempted evasion of his individual income taxes for the years 1986 through 1989; four counts of failure to file his returns for the same years; and 19 counts of aiding and assisting the filing of fraudulent tax returns for his accounting clients. In recent years, Klausner had as many as 1,700 clients, many of whom were police officers and fire fighters. The returns he prepared for his clients included grossly inflated itemized deductions for charity and business expenses. Klausner also failed to file his own returns or pay his income taxes for the prosecution years, despite earning approximately \$700,000 during this period from his thriving accounting practice. During the years in question, Klausner paid little if any income taxes notwithstanding that he owed over \$180,000 to the Service. In July 1995, Klausner was sentenced to serve 33 months in prison and fined approximately \$124,000.

- In *United States v. Vincent Vertuccio* (E.D.N.Y.), the jury convicted Vertuccio of evading approximately \$530,000 in personal income taxes for the years 1988 through 1991 and filing false partnership returns for 1988 through 1990. Vertuccio is a part owner of American Paper Fibers Co., a waste recycling company in Brooklyn, New York. Between 1988 and 1990, he instructed a customer to pay American Paper Fibers Co. in checks under \$10,000. During that time, he structured \$1.5 million in cash transactions at a check cashing location in New Jersey. In 1991, he cashed \$350,000 in checks he wrote to various payees, forged their endorsements, and negotiated the checks at a check cashing location in Brooklyn. None of the cash was reported as gross receipts on the partnership tax returns of American Paper Fibers, nor was it reported as taxable income on Vertuccio's personal returns. In June 1995, Vertuccio was sentenced to serve 18 months in prison.

Tax Charges Arising from Illegal Source Income

- In the largest motor fuel excise tax fraud case brought to date -- involving over \$140 million in evaded taxes -- proceedings of earlier guilty pleas by four defendants, sealed to secure the safety of witnesses, were unsealed. As of August 1996, this brought to nine, the total number of defendants who have pled guilty in this case. The August 1995 indictment, in the case captioned *United States v. Daniel Enright, Igor Erlikh, Aaron Misulovin, Demetrios Karamanos, et al.* (D. N.J.), charged these nine defendants plus at least 14 others with conspiracy to defraud the United States, conspiracy to commit tax evasion, wire fraud, money laundering, interfering with commerce by threats, and other offenses. The defendants are charged with operating two wholesale fuel distributorships that resulted in evasion of more than \$133 million in federal fuel excise taxes and \$11 million in New Jersey state fuel taxes between January 1990 and

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June 1993. Proceeds from their scheme were wire transferred between and among bank accounts in several states, and to overseas bank accounts in Switzerland, Aruba, Hungary, Greece, and Latvia.

- In another motor fuel excise tax evasion conspiracy, *United States v. Joseph Refsch, et al.* (E.D.N.Y.), 15 defendants pled guilty to an indictment that charged a conspiracy to evade \$34 million in gasoline excise taxes over a three-year period. As of September 1995, nine defendants had been sentenced to prison terms that ranged from 30 to 60 months. The defendants included members of the Colombo and Lucchese organized crime families and the so-called "Russian Mob."

- In *United States v. Bruce R. Burrell* (S.D. Fla.), Burrell pled guilty to charges of tax evasion, conspiracy, and Clean Air Act violations. Burrell and a co-defendant were charged in a 70-count indictment that also included charges of smuggling, obstruction of justice, witness tampering, and money laundering. The charges arose out of the defendants' participation in a Freon smuggling scheme. Freon (generically known as CFC-12 or dichlorodifluoromethane) is a refrigerant gas formerly used widely in automobile air conditioners. As part of an environmental phase-out of the gas in the United States, domestic sales of CFC-12 are subject to a large excise tax. The charges related to attempts by the defendants and their co-conspirators to smuggle Freon into the United States under a variety of fictitious nominee names for subsequent sale to domestic customers and avoid the excise tax. Sentencing will take place in early Fall 1996.

- In *United States v. John Brennick* (D. Mass.), the defendant operated a series of head injury treatment centers in Massachusetts, Pennsylvania, Delaware, and Maryland. Each was a sole proprietorship with its own Employer Identification Number, which Brennick obtained in violation of IRS regulations for the express purpose of dividing his payroll tax liabilities on the books of the IRS into many small amounts. In December 1995, Brennick was charged and convicted of nine counts of structuring, 19 counts of willful failure to account truthfully for and pay over his withholding taxes, and one count of corruptly endeavoring to impede and obstruct the IRS. The jury found that he used the IRS as a bank, taking the payroll taxes for his own use, and paying whenever he pleased. In 1992, for example, he reduced his payments dramatically and failed to pay more than \$1.4 million in withholding taxes for the second, third, and fourth quarter of the year (even though he paid \$10 million in withholding taxes for the year). After an IRS collection agent put him on a payment schedule, the defendant started to bounce checks, causing the IRS to place liens on his assets and resulting in the defendant's bankruptcy. While the defendant was not paying his payroll taxes, he was structuring millions of dollars in currency out of his business by having his employees cash multiple checks in amounts under \$10,000 and then having them return the cash to him. In fact, the defendant testified at his bankruptcy hearing that he wasted the cash gambling at casinos.

- In *United States v. J.W. Trapp, et al.* (E.D. Okla.), a jury convicted the former sheriff of Choctaw County, Oklahoma, of racketeering involving his solicitation and acceptance of bribes from local marijuana growers, methamphetamine dealers, gamblers, and bootleggers from 1988-1995 while in office. Trapp was indicted with four co-defendants in a 10 count indictment that charged a drug conspiracy, tax offenses, and related charges. Trapp was convicted following a jury trial. One defendant pled guilty to a tax felony, one defendant is a fugitive, and two other defendants pled guilty and cooperated with the Government. In a related case, *United States v. Jeff Pierce, et al.*, four defendants were indicted for a complex conspiracy -- that included substantive tax charges -- for operating a nightclub that was the setting for an extensive gambling operation, drug use, and illegal drinking. The defendants paid the sheriff in order to be able to operate the club without local law enforcement interference. The two investigations produced forfeitures in excess of \$1.2 million.

- The Tax Division played an instrumental role in preparing the indictment that was lodged against former CIA agent Aldrich Hazen Ames a/k/a Kolokol in *United States v. Aldrich Hazen Ames and Maria Del Rosario Casas Ames* (E.D. Va.). One of the Tax Division's senior prosecutors, who is also a CPA, worked closely with an IRS Special Agent to analyze the Ames' bank deposits and expenditures over a nine-year period. When it became clear that traditional methods of reconstructing income were unreliable because it could not be established that the deposits and expenditures were from taxable sources, our lawyer was able to match cash deposits and expenditures to meetings between Ames and the K.G.B., which established that the money was for services rendered and therefore was taxable. The completed investigation revealed that between 1985 a..d 1992, Aldrich Ames received about \$2.5 million from the K.G.B. for his espionage activities. Both Aldrich Ames and his wife pled guilty to tax and espionage charges.

International Tax Treaty Negotiations

In 1995, an interagency delegation jointly led by the State and Justice Departments, with participants from the Tax Division, the Criminal Division, and the IRS, met with representatives of the Luxembourg Government to negotiate a mutual legal assistance treaty (MLAT). As a result, Luxembourg, which currently provides no assistance for any type of fiscal fraud, has agreed to provide assistance, including access to bank records, for most U.S. tax crimes. This agreement sets the stage for concluding similar agreements with other European countries that are bank secrecy jurisdictions such as Austria, Ireland, and Switzerland. From December 1993 through September 1995, the Tax Division participated in negotiations with Luxembourg for a new proposed income tax treaty. As a result, Luxembourg has agreed to provide a broad range of admissible information, not currently available under the present tax treaty, for both civil and criminal tax matters, except for bank information. From 1994 through early 1996, the Tax Division participated in negotiations with Switzerland for a new proposed income tax treaty. As a result, Switzerland, has agreed to increase its information exchange under a new treaty,

including providing us with admissible bank information in most U.S. criminal tax matters. Throughout 1995 and 1996, the Tax Division participated in negotiations with Ireland for a new proposed income tax treaty. As a result, Ireland, which currently provides no information not already in the files of its tax authorities for any tax matter, has agreed to obtain and provide information -- including admissible bank records -- for all U.S. criminal tax offenses.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Criminal Prosecution		PERFORMANCE TARGETS AND ACTUAL RESULTS						
PERFORMANCE INDICATOR INFORMATION		1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target		
Type of Indicator	Performance Indicators							
Input/ Activity	1. Requests for litigation assistance at trial and appellate levels in legal source income cases	Not Avail.	Not Avail.	151	----	----		
	2. Requests for litigation assistance at trial and appellate levels in targeted enforcement areas	Not Avail.	Not Avail.	32	----	----		
	3. Requests for participation in miscellaneous intra and inter governmental activities	Not Avail.	Not Avail.	63	----	----		
	*4. Requests received for litigation and investigation advice in tax protester matters.	----	----	15	----	----		
	*5. Appoint a Special Counsel for Tax Protester Matters to coordinate criminal prosecutions, legislative and policy responses to tax protester activity.	----	----	Done	----	----		
Output/ Activity	6. Percent of requests for litigation assistance at trial and appellate levels honored in legal source income cases	Not Avail.	95%	99%	----	----		
	7. Percent of requests for litigation assistance at trial and appellate levels honored in targeted enforcement areas	Not Avail.	95%	97%	----	----		

* Designates an indicator covering a requested 1998 program change.

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1/2/98 9:40 a.m.

NAME OF DECISION UNIT: Criminal Prosecution							
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS					
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target	
Output/Activity	8. Rate of participation in miscellaneous activities (i.e., conduct criminal tax training for Assistant U.S. Attorneys, participate in task forces, advise on legislative proposals and amendments, publish Criminal Tax Manual and revisions, etc.)	Not Avail.	90%	100%	....	....
Productivity/Efficiency	9. Average number of days to perform initial reviews of administrative and grand jury outgrowth cases	43	44	47	....	....

<p>A. Definitions of Terms or Explanations for Indicators:</p>	<p>The centralized review and approval of all criminal tax prosecutions and the provision of litigation assistance to the United States Attorneys' Offices advances the goal of uniform enforcement. Prompt review of criminal referrals promotes the goal of achieving maximum deterrence and fosters voluntary compliance.</p> <p>The Tax Division currently defines legal source income cases as those where the source of the proposed criminal tax charges is income that is legally produced as distinguished from income earned as a result of illegal conduct. These legal source prosecutions potentially have the greatest deterrent effect for the general public.</p> <p>"Tax protester matters," as used by the Division in both criminal prosecutions and civil litigation, is defined as cases involving traditional illegal tax protester schemes such as claims that the income tax is unconstitutional, the taking of so-called "vows of poverty," and the harassment of IRS employees. The IRS uses the terminology "illegal" tax protesters to distinguish individuals who declare themselves to be "tax protesters" outside the revenue system and who commit tax crimes from those individuals who are merely exercising their First Amendment rights to oppose tax policies while otherwise obeying the tax laws. Criminal prosecutions arising out of tax protester activity is a subset of the legal source income prosecutions.</p>
<p>B. Factors Affecting FY 96 Program Performance.</p>	<p>As of September 30, 1996, the Criminal Enforcement Sections have honored 149 of the 151 requests for litigation assistance at trial and appellate levels in legal source income cases (reference Performance Indicators #1 and #4); of the 32 requests for litigation assistance at trial and appellate levels in targeted enforcement areas, 31 of these requests have been honored, as of September 30, 1996 (reference Performance Indicators #2 and #5), and, our rate of participation in miscellaneous unit and inter governmental activities has matched the 63 requests received as of September 30, 1996, (reference Performance Indicators #3 and #6). The slight increase in the average number of days required to perform initial reviews of administrative and grand jury cases (Performance Indicator #9) is due in large part to the fact that the Criminal Enforcement Sections were operating below authorized strength for the year. The figure for requests received for litigation and investigation advice in tax protester matters (Performance Indicator #5) is probably below the actual number, as the tracking of this indicator did not begin until the fiscal year was well underway.</p>
<p>C. Factors Affecting Selection of FY 97 and 98 Targets.</p>	<p>The ability to meet goals depends to a large extent upon the number and types of cases recommended for prosecution; staffing levels, level of expertise, and fluctuating caseloads in the United States Attorneys' Offices and in the Tax Division's Criminal Enforcement Sections; IRS policies and initiatives affecting the complexity and volume of prosecution referrals; compliance of particular groups of taxpayers with the Internal Revenue Code, the volume of requests for comments and participation in miscellaneous activities, and the level of funding provided to the Division for personnel and other resources. The Tax Division is in the process of redesigning its case management system. By FY 1998, it is anticipated that all Criminal Enforcement statistics will be automated. A refined measurement system may cause some variation in the way some statistics are calculated.</p>
<p>Targets and estimates are omitted because they may be viewed as setting numeric goals which are not consistent with the Tax Division's mission and the goal of just and fair treatment of taxpayers.</p>	

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CIVIL LITIGATION

	Positions	FTE	Amount
1997 Appropriation Enacted	299	285	\$31,027
1998 Base	300	290	32,075
1998 Estimate	302	295	\$32,497
Increase/Decrease	9	5	\$ 422

BASE PROGRAM DESCRIPTION:

The attorneys in the Tax Division's seven Civil Trial Sections litigate suits filed by and against taxpayers in the district courts, the bankruptcy courts, the Court of Federal Claims, and the state courts. All of these suits relate to the enforcement of the tax laws. The broad range of litigation handled by the Division's Civil Trial attorneys includes tax refund suits challenging the IRS' determination of a taxpayer's federal income, employment, excise, and estate tax liabilities; bankruptcy litigation raising issues of the validity and priority of Federal tax claims and the feasibility of reorganization plans; actions to enforce IRS administrative summonses that seek information essential to determine and collect taxpayers' liabilities; suits to collect taxes and other monies often hidden by fraudulent conveyances, sham entities, and alter egos; suits against IRS and other Government officials for torts allegedly committed in connection with tax collection activities; tax protester suits of all varieties; suits against the IRS brought pursuant to the Freedom of Information and Privacy Acts; and State and local inter-Governmental tax immunity suits. In addition to handling litigation directly, Division Civil Trial attorneys frequently provide advice, training and other assistance to the many (Special) Assistant U.S. Attorneys handling the more routine civil tax cases.

The Division's Civil Litigation program represents its most comprehensive litigating function. Civil Trial attorneys support the IRS' general compliance activities and special audit programs by representing the Service in the courts. As part of this representation, civil trial attorneys independently review the Service's administrative determinations. They assure that taxpayers involved in trial level litigation are treated fairly and consistently nationwide. Cases handled by Civil Trial attorneys often govern thousands of cases pending administratively at the IRS and generate significant revenue for the Federal treasury. In 1996, the Tax Division collected over \$167 million, and

was successful in obtaining \$189 million in new judgments and settlements. Moreover, during the past year, Civil Trial attorneys also secured a number of major victories in the U.S. Bankruptcy Courts that should lead to significant revenue collections by the IRS, and successfully defended the United States against many refund suits brought by taxpayers, thereby retaining in the Federal Treasury \$363 million in revenues. Just as with its appellate and criminal prosecution functions, the Division's Civil Litigation program has both a direct impact on the taxpayer who is a party to the litigation and an indirect impact in promoting compliance with the tax laws. The case descriptions that follow, as well as many of those set forth in the section describing the Division's Federal Appeals program, illustrate the breadth of issues litigated by the Tax Division.

Direct Impact

- In *Unum Corp. v. United States* (D. Me.), plaintiffs sought to deduct as life insurance company policyholder dividends, under I.R.C. Section 808(a), the entire value of cash and stock, \$652 million, distributed to policyholders in the course of plaintiffs' conversion from a mutual company to a stock company. Ruling in favor of the United States on this issue of first impression, the district court denied the portion of the deduction at issue in the suit and refused to refund the approximately \$80 million in tax plus interest claimed. Because the ruling will result in complete denial of the deduction, the total tax impact of the case is estimated to be in the range of \$350 to \$450 million, including interest. In addition, the decision may impact on other life insurance companies, some of them larger than plaintiffs, which have converted in recent years from a mutual to a stock form of organization. The taxpayer has appealed.
- In *Carolina Power & Light v. United States* (E.D.N.C.), the Tax Division successfully tried to a jury an issue involving the "placed in service date" for depreciation purposes of a nuclear power plant. As a result, the taxpayer's claim for a refund of \$187 million was denied by the court. The taxpayer has filed an appeal.
- In *Chevron U.S.A., Inc. v. United States* (S.D. Tex.), the district court denied the taxpayer's claim for a refund of approximately \$71.7 million, plus interest, in windfall profit taxes on the extraction of domestic oil. The court rejected the taxpayer's attempt to categorize such items as interest expenses as allowable deductions attributable to the property and agreed with the Government that the taxpayer was attempting improperly to calculate the taxable income from its properties for windfall profit tax purposes on a consolidated basis with its parent. The case was affirmed on appeal.
- In *re Guyana Development Corporation* (Bankr. N.D. Tex.), is a Chapter 11 bankruptcy proceeding involving an IRS claim of \$38 million in which the Government obtained the appointment of a trustee by successfully asserting an alter ego/nominee theory against

the corporation's president. The Government has received \$25.5 million through the bankruptcy proceedings and successfully defended an IRS pre-filing seizure of \$5 million. The Tax Division expects to collect an additional \$5.3 million of the IRS' claim in connection with this proceeding.

- *In re Nelson Bunker Hunt and In re William Herbert Hunt* (Bankr. N.D. Tex.) are two separate Chapter 11 bankruptcy proceedings filed by the Hunt brothers of Texas in 1988. They are believed to have been the largest individual bankruptcies in the history of the United States. Liquidating plans, confirmed in December of 1989, provided that the Government receive 80 percent of the proceeds of Bunker Hunt's liquidation and 70 percent of the proceeds of Herbert Hunt's liquidation. As a result of a number of post-petition disputes -- the last of which was only resolved in May 1995 -- the Tax Division has continued to be actively involved in the liquidations. The liquidations, which as of June 1996, have resulted in collections of more than \$79.3 million and \$39.4 million in satisfaction of Bunker and Herbert Hunt's tax debts, respectively, are expected to yield approximately \$6 million more over the next two years.

- *In United States of America v. K. T. Derr, Chairman of Chevron Corporation, and Chevron Corporation* (N.D. Cal.), Chevron paid approximately \$650 million in settlement of almost all of the issues that had arisen in nine years of tax disputes with the IRS. Among the tax issues that were contested were liabilities for intercompany interest, services and transfer pricing, offshore insurance operations, European refining and marketing operations. An additional contested tax liability arose in connection with crude oil purchased at below-market prices by Chevron from Saudi Arabia, that in turn set limits on Chevron's resale prices. This case, one of the most significant tax cases litigated by the Justice Department, was worked jointly by the Tax Division and the United States Attorney's Office for the Northern District of California.

- *In re I.C.H. Corporation* (Bankr. N.D. Tex.), the trial section succeeded in collecting \$71.6 million from the debtor, a holding company for a number of insurance companies domiciled in different states including Texas, Pennsylvania, Illinois, Kentucky, and Missouri.

Indirect Impact

- In *Blackfeet National Bank, et al. v. Rubin* (D.D.C.), the court rebuffed an attempt by two national banks to force the Secretary of the Treasury to withdraw a proposed regulation. The banks claimed that the regulation would severely restrict their ability to market a financial product known as a "retirement CD." The court adopted the argument advanced by the trial section that the banks

should use the "notice and comment" phase of the rulemaking process rather than expect judicial review of a regulation that may not be effectuated. The case was affirmed on appeal.

- In another case of industry-wide importance, *Beneficial National Bank and Beneficial Tax Masters v. Commissioner* (D. Del.), the plaintiffs filed a complaint against the IRS seeking a temporary restraining order (TRO) and a preliminary injunction to prevent the IRS from splitting the payment of tax refunds between Beneficial and taxpayers who receive refunds as a result of claiming the earned income tax credit ("EITC") available to low income taxpayers. Beneficial sued in its capacity as a leading maker of refund anticipation loans ("RALs"), i.e., loans secured by anticipated refunds made to taxpayers who file their returns electronically. After the Court denied the motion for a TRO, ordered discovery and set a hearing date, and after the Tax Division -- as counsel to the IRS -- produced documents, deposed Beneficial's officers and employees, and defended depositions of various IRS employees, Beneficial announced that it was withdrawing its suit. Beneficial appears to have been convinced that it would not prevail on the merits.

- In *United States v. Norwest Corp.* (D. Minn.), the United States asked the Court to enforce a summons issued by the IRS to obtain software used by the taxpayer for the preparation of its consolidated income tax returns. In this case of significant administrative importance to the IRS, the court ruled that the IRS was entitled to the software while imposing certain conditions on its use and subsequent return.

- In *British Car Auctions, Inc. v. United States* (Fed. Cl.), the court upheld the validity of regulations promulgated by the IRS that implemented the "dual resident corporation" provision of the Tax Return Act of 1986. This case involves approximately \$4 million and the legal issue is significant for most multinational corporations.

- In *In re Spiritio* (Bankr. M.D. Fla.), the Bankruptcy Court held that the debtors' income tax liabilities for 1989, 1990, and 1991 were not dischargeable because of their willful attempts to evade or defeat the tax. The debtors were active participants in the tax protest organization known as "The Pilot Connection Society" and engaged in typical tax protester activity.² This case is one of many in which the Division has prevailed in its efforts to deny dischargeability to debtors who willfully attempt to evade their tax liabilities. The debtors have appealed.

² See also *United States v. Marsh, et al.*, discussed as part of the Tax Division's request for a program increase.

- In *Clifford V. Stanley v. United States* (D. Col.), a refund suit brought by retired members of the Denver Police and Fire Department, the plaintiffs sought to exclude their pensions from taxation as "workers compensation," pursuant to I.R.C. § 104(a)(1). The plaintiffs, all of whom had retired after meeting the normal age-and-service requirements, obtained from their respective pension boards determinations that they were disabled as a result of injuries that had occurred between six and 24 years prior to their retirements. The court denied the refunds. Several hundred other retired police officers and fire fighters have made similar refund claims. Taxpayers have filed a notice of appeal.
- In *Schuler Industries, Inc. v. United States* (Fed. Cl.), the court upheld the validity of regulations promulgated by the IRS implementing the alternative minimum tax ("AMT") provisions of the Tax Return Act of 1986, which provide that taxpayers may not deduct employee stock option program ("ESOP") dividends paid in computing a component of their AMT income. The taxpayer has filed an appeal.
- In *United States v. Kjellstrom* (W.D. Wis.), the court awarded summary judgment for the Government in the first case to constitute a transition rule exception to the repeal of the investment tax credit for certain property used in a taxpayers' "world headquarters." The court concluded that the transition rule should be narrowly construed so as to apply to the intended beneficiary of the rule and at most a small group of similarly situated taxpayers. The transition rule is the subject of a number of pending cases in the Tax Court and at the administrative level of the IRS involving tens of millions of dollars. The decision was affirmed on appeal.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Civil Litigation		PERFORMANCE TARGETS AND ACTUAL RESULTS					
PERFORMANCE INDICATOR INFORMATION							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target	
Input/ Activity	1. Number of cases received	12,591	12,577	12,602	Complete	Complete	
	*2. Appoint a Special Counsel for Tax Protester Matters to coordinate civil litigative, legislative, and administrative response to interference by tax protesters with the proper enforcement of the revenue laws	Complete	Complete	Complete	Complete	Complete	
	*3. Develop a legal resource center which will enable the Division to identify and respond to new trends and novel issues arising in tax protester litigation	Complete	Complete	Complete	Complete	Complete	
Intermediate Outcome/ Activity	4. Court decisions (all courts)						
	a. Number of cases with decisions	3,544	3,236	3,012	Complete	Complete	
	b. Number of decisions	3,943	3,596	3,337	Complete	Complete	
	c. Percentage of wins	91%	93%	92%	Complete	Complete	
	5. Settlements and concessions (all courts)						
	a. Number of settlements	937	790	852	Complete	Complete	
	b. Number of concessions	205	173	167	Complete	Complete	

* Designates an indicator covering a requested 1998 program change.

NAME OF DECISION UNIT: Civil Litigation		PERFORMANCE TARGETS AND ACTUAL RESULTS				
PERFORMANCE INDICATOR INFORMATION						
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
Intermediate Outcome/Activity	6. Court decisions (excluding bankruptcy courts.)					
	a. Number of cases with decisions	1,709	1,438	1,330	---	---
	b. Number of decisions	1,924	1,651	1,515	---	---
	c. Percentage of wins	92%	93%	94%	---	---
	7. Settlement and concessions (excluding bankruptcy courts)					
	a. Number of settlements	669	521	546	---	---
	b. Number of concessions	137	117	109	---	---
	8. Number of district court suits instituted on behalf of the United States	158	143	196	---	---
	9. Number of district court suit requests declined by Division or withdrawn by IRS or other client agency	25	25	23	---	---
	*10. Increase civil litigative and legislative efforts to deter the filing of common law liens against the property of federal employees, as well as to deter the filing of spurious law suits against federal employees	---	---	---	---	---
	*11. I examine the problems of interference by tax protesters with judicial sales of property and with other tax collection actions and develop litigative and legislative responses which will increase revenue collection and reduce danger to U.S. Marshal Service and Internal Revenue Service employees	---	---	---	---	---

NAME OF DECISION UNIT: Civil Litigation		PERFORMANCE TARGETS AND ACTUAL RESULTS				
PERFORMANCE INDICATOR INFORMATION						
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
Output/Activity	12. Number of civil cases closed	13,195	13,943	12,971	----	----
End Outcome	13. Tax debts collected (\$ in millions) (by court action and settlement)	\$161.4	\$182.9	\$167.6	----	----
	14. Dollars retained in tax refund suits (\$ in millions) (by court action and settlement)	**\$610.3	\$128.2	\$363.4	----	----
Productivity/Efficiency	15. Average number of significant litigation activities per attorney workyear					
	a. Briefs, written pleadings, and settlement memoranda prepared; discovery activities undertaken	96.7	92.4	96.04	----	----
	b. Trials, arguments and other hearings	14.04	11.77	9.70	----	----
	16. Number of civil cases closed per attorney workyear	64.6	72.2	67.9	----	----

** FY 1994 dollar amount reflects two cases totalling \$417 million.

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<p>A. Definitions of Terms or Explanations for Indicators:</p>	<p>The civil litigation program promotes the protection of tax revenues while striving to assure the fair and consistent treatment of taxpayers nationwide. Performance Indicators #13 and #14 reflect the direct impact of civil litigation on the U.S. Treasury insofar as the Division currently measures it. Performance Indicator #13 shows substantial tax revenues collected as a direct result of civil litigation. Performance Indicator #14 measures the amount of tax dollars saved in tax refund suits, as expressed in terms of the amounts of tax and interest sought by the complaint. The savings shown does not include the additional statutory interest for which the United States would have been liable had it lost. While the Division does not measure the indirect influence of its civil litigation on the collection of revenues by the IRS, many cases described elsewhere in the Division's budget submission suggest the impact is considerable. Reporting decisions on cases in Bankruptcy Court, District Court, Court of Federal Claims, State and Local Courts (Performance Indicators #4 and #6) provides a detailed basis for judging whether the positions taken in litigation by the Division are consistently reasonable. The fair and uniform treatment of taxpayers is also reflected in the numbers of concessions and settlements of issues and cases (Performance Indicators #5 and #7) and in matters where the Division declines to bring suit because it determines litigation is not warranted (Performance Indicator #9). Beyond the need to be responsive to client agencies (which is measured in part by Performance Indicator #8), the Division values efficiency in its civil litigation because it recognizes that the correct and fair result has more value if it can be achieved efficiently and expeditiously. A comparison of Performance Indicators #4 and #6 to Performance Indicators #5 and #7 gives some rough sense of the many issues that are resolved voluntarily, without judicial intervention, although there are, in addition, many bankruptcy matters which the Division resolves by stipulation. Performance Indicators #4, #6 and #15 attempt to convey the complexity of civil cases. One case often includes multiple issues and multiple parties. Thus, the number of litigation activities reflects attorney productivity more accurately than caseload numbers. Performance Indicators #1, #12, #13, and #16 provide a base against which to examine the Division's productivity, and its part in achieving efficient, expeditious justice. Performance Indicators #2, #3, #10, and #11 describe important elements of the civil program's tax protestor initiative.</p>
<p>B. Factors Affecting FY 96 Program.</p>	<p>The Tax Division is in the process of redesigning its automated case management system. By FY 1998, it is anticipated that all litigation statistics will be automated and refined. A refined measurement system may cause some variation in the way some statistics are calculated.</p> <p>On 10/12/95, the Division implemented a policy change whereby miscellaneous bankruptcy matters where the Department has not yet been asked to provide representation to the IRS are no longer entered and tracked on the Division's automated case management system. During FY 95, the Division received more than 30,000 of these matters. This policy was changed as an efficiency measure to shift more data technician resources to improving overall data quality and to shift more paralegal resources to the direct support of litigation.</p> <p>The reported outcomes reflect positively on the civil litigation program's productivity and debt collection and other revenue enhancement efforts. Many outside factors affect these outcomes, however, among them the lack of control over the number, types, significance, and complexity of its case receipts, which are dependent on such matters as the changing tax laws and the level of funding provided to the IRS for personnel and taxpayer compliance initiatives; the responsiveness of its client agencies; the strategies of opposing counsel; the procedures of and burdens on the courts; and the collectibility of taxpayers' debts. In addition, productivity and quality are greatly affected by the resources available for civil litigation.</p>
<p>C. Factors Affecting Selection of FY 97 and 98 Targets.</p>	<p>Targets are omitted because they may be viewed as setting numeric goals which are not consistent with the Tax Division's mission and the goal of just and fair treatment of taxpayers.</p>

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MANAGEMENT & ADMINISTRATION

	Positions	FTE	Amount
1997 Appropriation Enacted	99	95	\$8,007
1998 Base	86	81	8,297
1998 Estimate	86	81	\$8,297
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

The Assistant Attorney General, the Executive Office staff, and the Legislation, Policy & Management Analysis Unit of the Tax Division provide leadership, policy guidance and direction, and administrative support to all components of the Tax Division. The Division's executive leadership establishes appropriate and uniform policies involving appeals and civil and criminal tax enforcement, and promotes and maintains communications with the IRS, the Treasury Department, the Office of Management and Budget, the United States Attorneys' Offices, other components of the Department of Justice, and the public. The personnel in the Legislation, Policy & Management Analysis Unit review and analyze legislative proposals that directly affect the litigating mission of the Tax Division, prepare all legislative reports required by the Congress, the Office of Management and Budget, and the Department of Justice, and coordinate the Division's activities pursuant to the Government Performance and Results Act (GPRA). Timely responses also are prepared to satisfy the requirements of the Freedom of Information and Privacy Acts.

The Office of Administration provides services relating to general administration, fiscal/budgetary controls, automated information systems technology support, personnel, and other administrative matters as required. It consists of three components: (i) the Executive Office, which provides overall control and policy guidance; (ii) the Administrative Services Staff, which is responsible for accounting and financial services, budget planning and evaluation, personnel services (including providing administrative support for the recruitment and hiring of Division personnel), case records and file management, procurement, and facilities management; and (iii) the Information Management Staff, which is responsible for managing and maintaining the EAGLE office automation network and for providing all other

information systems technology support required by Tax Division employees, litigation support services, a personal computer resource center, and a post-litigation operation that tracks and monitors the Division's debt collection operations.

The Tax Division's senior management remains committed to maintaining and enhancing the standards of excellence that have been the hallmark of the Division since its inception. This commitment has resulted in improved internal management controls, better budget development and execution, enhanced office automation, and successful programs to improve employee training.

As part of pursuing the Tax Division's primary mission -- promoting the uniform and equitable enforcement of the nation's tax laws -- the Division's litigation managers (section chiefs) have fostered heightened cooperation with the United States Attorneys and the Internal Revenue Service. The Section Chiefs regularly meet with representatives from these other offices to develop and coordinate law enforcement initiatives and to discuss other matters of mutual concern. For example, the four chiefs of the Criminal Enforcement Sections participated in a meeting of IRS Criminal Investigation managers to explore workload priorities and trends. A byproduct of this development has been more participation by Tax Division line attorneys in the policy discussions and litigation efforts of cooperative law enforcement efforts, such as joint IRS/FBI investigations of motor fuel excise tax evasion, the Department of Transportation/Federal Highway Administration Joint Federal/State Motor Fuels Compliance Project, the Treasury Department's Tax Refund Fraud Task Force, various health care fraud task forces, the Organized Crime Drug Enforcement Task Forces (OCDETF), and the Bank Fraud Task Forces established to respond to litigation resulting from the savings and loan crisis. On the administrative side, the Tax Division also has benefited from its relationship with the IRS by meeting with the Service's financial management executives, exploring how the Service has employed activity-based cost management techniques, and exploring the feasibility of testing such a system in a litigation environment.

The Tax Division's executive, legislative, and policy personnel have participated in drafting the Division's position on a variety of issues related to the Department's and Division's operations. Thus, for example, the Assistant Attorney General has established a Performance Management Committee composed of staff, line attorneys, and managers to develop and implement the Division's response to the obligations imposed by GPRA. She also regularly meets with a Line Attorneys' Committee, composed of one elected representative from each of the legal sections in the Division, and with another committee of secretaries and technical personnel. Among the issues that have been addressed by these committees and in writings and policy discussions have been: the appropriate ratio between attorneys and support staff; the increased use of para-professionals; the use of administrative leave for *pro bono* work performed by attorneys and support staff; and the taxation of travel expense reimbursements received by Department attorneys on long-term job-related assignments.

On the legal side, the Assistant Attorney General has sought broad input on many issues including proposed asset forfeiture legislation and guidelines for searching and seizing computers. The Tax Division also has been exploring the potential applicability of Alternative Dispute Resolution mechanisms to litigation matters. During the past year, the Division's Office of Training continued to offer top-rate educational opportunities to managers, attorneys, other professionals, and support personnel. The Training Office offers daily classes and videotaped sessions to enhance legal and technical skills. It also coordinates training mandated by the Department on such complex issues as sexual harassment sensitivity and AIDS awareness. The Office of Training provides the ethics and computer security training required by the Division of all its employees and continues to offer its successful individualized word processing training program.

In FY 1995 and 1996, the Tax Division's Office of Administration has continued its outstanding record of delivering services to other sections of the Division that have significantly enhanced the overall productivity of our legal workforce. The accomplishments include: (a) upgrading personal computers at every Division workstation; (b) developing a standard configuration for the personal computers that will allow personnel to use Windows or DOS in the current office automation environment; (c) implementing a system that allows attorneys to connect to the Division's office automation network and remotely access files and e-mail on the network while they are on the road; (d) developing communications protocols that allow Division attorneys to have direct electronic communications with IRS personnel; (e) developing an interface between Tax Division personnel and the Internet; (f) establishing video teleconferencing centers in headquarters and the Southwestern Civil Trial Section in Dallas, Texas; (g) providing litigation support to attorneys by organizing case-related documents; (h) implementing an automated procurement system to issue purchase orders, track requisitions, and permit certification of funds availability; (i) coordinating with Department officials on office space requirements during the planned renovation of the Main Justice Building; and (j) coordinating the renovation of the Division's records management space. Each of these achievements allowed the Division to weather tight budget times and contributed significantly to the Division's successes over the last year.

In FY 1996, the Tax Division launched a Restructuring Project with the goal of realigning job responsibilities within the Division so that tasks would be handled by the most appropriate employees. The Division's view has been that through training and teamwork, it could (a) provide more challenging work for its non-legal staff, which ultimately will prepare them for career enhancement opportunities; and (ii) provide its attorneys with more administrative and paralegal support so that they can give greater time and attention to the factual and legal issues presented by their cases. The Division has now completed the analysis and design phases of the project and is starting implementation. Once the initiative is fully implemented, the Division will make greater use of paralegal and related litigation support positions and eliminate some unneeded administrative and clerical positions. Thus, the FY 1997 workyears represent a bridge between the Division's traditional workforce and the workforce that will be in place when the Restructuring initiative is fully implemented.

TAX PROTESTER INITIATIVE¹

	Positions	FTE	Amount
Criminal Prosecution	4	2	\$231
Civil Litigation	4	2	231
Total Increase	8	4	\$462

GOALS:

The Tax Protester Initiative has the following objectives:

1. To develop a systematic approach for handling criminal prosecutions of organized tax protester groups;
2. To develop a systematic approach for handling defensive civil litigation brought against the Government by tax protester organizations and individuals who identify themselves as associated with the tax protester movement;
3. To develop new strategies, including affirmative litigation, that will deter tax protester activities;

¹"Tax protester matters," as used by the Division in both criminal prosecutions and civil litigation, is defined as cases involving traditional illegal tax protester schemes such as claims that the income tax is unconstitutional, the taking of so-called "oaths of poverty," and the harassment of IRS employees. The IRS uses the terminology "illegal" tax protesters to distinguish individuals who declare themselves to be "tax protesters" outside the revenue system and who commit tax crimes from those individuals who are merely exercising their First Amendment rights to oppose tax policies while otherwise obeying the tax laws. Criminal prosecutions arising out of tax protester activity is a subset of the legal source income prosecutions discussed as part of the Tax Gap Project of the Tax Division's Criminal Enforcement Sections, *supra*.

4. To develop systems for sharing and readily accessing the body of knowledge developed by the IRS and the Tax Division as a result of many years of litigation with tax protesters, e.g., correspondence, sample pleadings, jury instructions, brief banks, and
5. To provide training to Assistant United States Attorneys and IRS personnel so that criminal prosecutions of tax protesters and civil tax protester litigation are handled efficiently and effectively.

PROGRAM DESCRIPTION:

Over the last year, the number of criminal tax and non-tax investigations, prosecutions, and civil actions arising out of tax protester activity has been growing steadily. For example, at first glance there might appear to be no direct link between tax protester activity and terrorism, however the experience of the IRS and the Tax Division is that many of the individuals associated with the type of violent domestic militia, which have become the focus of public attention since the bombing in Oklahoma City, also espouse tax protester rhetoric and some have a history of making violent threats against the IRS.⁴ One of the latest tactics used by tax protesters and other anti-Government individuals involves efforts to negotiate bogus financial instruments and collect on judgments rendered by so-called "common law courts." To date, the Division has handled tax protester matters on a case-by-case basis by assigning them to attorneys in the relevant criminal enforcement and civil trial sections with geographic responsibility. On May 21, 1996, the Assistant Attorney General announced the appointment of two special counsel -- one from a Civil Trial Section and one from a Criminal Enforcement Section -- charged with taking steps to concentrate our experience and capitalize on the Division's extensive body of knowledge in this area.

Between now and October 1997, these two senior trial attorneys will be responsible for designing the specific activities that will comprise this initiative and coordinating and compiling the information we have accumulated over the years. They also will advise and assist civil trial lawyers and prosecutors in the Tax Division and the United States Attorneys' Offices, as well as IRS personnel involved in tax protester cases, as the need arises. As this initiative becomes known in the Department, the Division expects to receive a

⁴See, e.g., "Militias are Joining Jury-Power Activists to Fight Government: Tax Protesters, Survivalist Benefit from Message Jurors Can Ignore Law," *Wall Street Journal*, May 25, 1995, at A1. Moreover, according to data provided by the Treasury Department, in FY 1994 there were 580 investigations of threats and assaults against IRS employees. The IRS Inspections Division provided 99 armed protective escorts for IRS employees and CID expended 2,800 staff days for protective escorts.

substantial increase in the number of requests for assistance with these matters. Accordingly, the Tax Division is requesting a program increase of eight positions (four permanent attorney positions and four para-professional positions), four FTE (two attorney and two support personnel) and \$462,000 to handle the influx of criminal and civil tax protester cases. One half of the requested initiative will be devoted to criminal prosecution activities; the other half will be used in connection with civil litigation. The full year costs in 1999 will be \$774,000.

In the mid-1980s, the number of IRS investigations of tax protesters affiliated with organized groups started to increase. This trend appeared to peak in FY 1991, and subsequently the number of new investigations initiated by CID started to decline. In the last year, however, the Service's open inventory of these cases has started to increase again and there is every reason to believe that this is not an anomaly. At the end of FY 1994, CID had approximately 160 of these cases in inventory, almost one-third of which were related to what has been called the largest tax protester organization in the history of the United States, "The Pilot Connection Society" in Northern California and the Pacific Northwest. Estimates place the tax losses sustained by the Federal Treasury that are attributable to TPCS at almost \$100 million. The balance, approximately 104 cases, come primarily from the West Coast and Midwest regions and involve such diverse activity as: filing blank IRS Forms 1040/1040A; establishing Foreign Trust Organizations; filing IRS Forms W-4 that include excessive overstatements of withholding allowances; and nonfiling and nonpayment. As of the end of the second quarter of FY 1996, CID's cumulative inventory was already 147 cases, even after many of the Pilot Connection Society cases have already been referred to the Justice Department or otherwise resolved. Another measure of the increased activity in this area is the amount of time special agents devote to enforcement efforts in this area which as of the end of the second quarter of FY 1996 had increased 21 percent over the same period of time in FY 1995.

The "common law court" movement is the latest refuge for tax protesters and other anti-Government individuals. Organized and individual tax protesters have attempted to harass Government officials, including judges, by filing common-law liens against anyone involved with their tax disputes. The baseless writs, default judgments, indictments, and quiet title petitions mailed to Government officials by persons associated with the "common law courts" are the latest variation of this practice. Using documents purporting to have the force of law, these organizations appear to rely on the authority of "common law courts" to issue process directed at IRS employees. United States Attorneys, Judges, and law enforcement officers who have attempted to enforce federal and state law against the believers. Another tactic is to send false Forms 1099 to the IRS showing the payment of fictitious income to their "enemies." The use of pseudo-official court and other documents is designed to intimidate and deter law enforcement efforts. Tax Division trial attorneys have reported their "prosecution" in common law courts with concern that violence would follow. Indeed, on occasion tax protester filings have caused significant confusion leading attorneys and IRS persons alike to accord them the force of law.

Tax protester cases arising out of the conduct of individuals (rather than protester organizations) are particularly burdensome to the IRS and the Department. These cases often involve parallel civil and criminal proceedings,¹ the individual protesters are not usually in high income brackets, the tax loss as a result of protester conduct is usually lower than the average of prosecutions brought, proving willfulness can be a problem, and some of these cases lack jury appeal. Moreover, these cases are always extremely resource-intensive. The IRS finds protester cases difficult to work administratively and often seeks authority to conduct grand jury investigations. Once indicted, this type of defendant almost always refuses to plea bargain and goes to trial -- engaging in lengthy and tedious motions practice at every opportunity. In addition, the protesters frequently engage in frivolous civil litigation before and after their criminal trials. For example, in a number of cases protesters have contested IRS summonses during the investigative phase of the criminal case and have brought wrongful levy, quiet title, and *Bivens* actions after the criminal case. These are some of the reasons why United States Attorneys often ask the Tax Division to handle tax protester cases. The Tax Division has perfected the art of trying these cases to successful conclusions.

Following are several examples of tax protester cases tried recently by attorneys in the Civil Trial and Criminal Enforcement Sections of the Tax Division.

National Commodity and Barter Association Cases

- In *National Commodity and Barter Association v. United States*, 843 F. Supp. 655 (D. Colo. 1993), *aff'd*, 42 F.3d 1406 (unpublished disposition), 74 A.F.T.R. 2d (RIA) 94-7385, 1994 WL 664970 (10th Cir. 1994), *cert. denied*, 116 S. Ct. 52 (1995), the plaintiff sought to recover over \$2 million applied against civil tax penalties assessed against it for failing to file partnership returns and promoting abusive tax shelter plans. See also *United States v. Voss*, 82 F.3d 1521 (10th Cir. 1996) (affirming criminal contempt

¹For example, in addition to the criminal proceedings against James L. Noske and his co-defendants discussed in the case example below, the Tax Division has identified 50 cases in the federal and state courts arising out of the Noske's tax protest activities, 12 of which were heard by the Eighth Circuit Court of Appeals, 25 of which were heard in the United States District Courts, seven of which were in the Tax Court, and six of which were in state courts. Among the myriad causes of action stated were: injunction actions, actions to quiet title, fraudulent conveyance actions, wrongful levy actions, wrongful disclosure actions, *Bivens* suits (lost actions brought against the United States and individual Government employees for alleged violations of the Constitution), and IRC Sec. 6700 penalty actions. See, e.g., *Noske v. United States*, 998 F.2d 1018 (8th Cir. 1993) (unpublished; full-text opinion reported at 199 U.S. App. Lexis 17480); *BBCA Inc. (a/k/a God's Helping Hands) v. United States*, 954 F.2d 1429 (8th Cir.), *cert. denied*, 113 S. Ct. 192 (1993); *Xemas v. United States*, 689 F. Supp. 917 (D. Minn. 1988), *aff'd without published op.*, 889 F.2d 1091 (8th Cir. 1989), *cert. denied*, 494 U.S. 1027 (1990); *First American Bank of St. Cloud v. Noske*, Civ. No. CX-90-27 (Dist. Ct., Stearns Co., Minn.) (final order entered Feb. 1993).

convictions of the Director of NCBA and several members in connection with their tax protest activities). NCBA is an organization headquartered in Colorado that sold numerous materials and offered seminars advocating the non-filing of tax returns and showing how to conceal income and assets and conduct frivolous tax protest litigation. The NCBA operated a multi-million dollar nationwide network of "warehouse banks" that kept no records of the customers' banking transactions.⁴ In common with the Freeman of today, the NCBA contended that the federal reserve system was illegal. After a week-long trial the district court sustained the penalties. The Government's win was affirmed by the Tenth Circuit.

The Division is still handling a *Bivens* tort suit in Colorado against a number of IRS agents who were involved in investigating the NCBA in the 1980s. The suit has been to the Tenth Circuit twice and is now back in the district court on remand.

Common Law Liens

One regularly used tactic by tax protesters is the filing of so-called "common-law liens" against IRS agents, bankruptcy court judges, magistrate judges, federal district court judges, Assistant United States Attorneys, and Tax Division attorneys. A number of these cases have resulted in published opinions by the Federal District Courts and Courts of Appeals.

In one case, baseless "commercial liens" were filed against real and personal property owned by 16 federal Government employees who had been involved in IRS seizures of the property owned by the defendants. In response, the Tax Division brought a declaratory judgment action to expunge the liens and sought a permanent injunction against the defendants from filing any further documents purporting to create such encumbrances. In *United States v. Trowbridge*, 1993 WL 764338 (D. Idaho, Sept. 13, 1993), the district court adopted the Report and Recommendations of a magistrate who found that the liens were "frivolous tax protester devices used to harass Government employees" that "lack any legal effect." The magistrate observed that "tax protesters, while claiming to act in the interests of freedom and personal liberty, use this weapon to harass private individuals in their private lives, as part of the tax protester's campaign." *Id.* at *5. He also found that the "[d]efendants' claims to act in the interests of justice, 'truth,' or in protection of their Constitutional rights

⁴We have identified more than 90 civil and criminal cases in the federal courts dealing with the NCBA or individual taxpayers who used NCBA materials or warehouse banks in their illegal tax protest schemes. The warehouse banking scheme is detailed in *United States v. Hawley*, 855 F.2d 595 (8th Cir. 1988), *cert. denied*, 489 U.S. 1020 (1989); and *United States v. Stulen*, 661 F. Supp. 1092 (D. Minn. 1987), *aff'd*, 867 F.2d 446 (8th Cir. 1989), *cert. denied*, 493 U.S. 828 (1989). See also *United States v. Marsh* and *United States v. Rubel*, discussed *infra* (according to NCBA data, it appears that both defendants had some association with the NCBA).

to be totally without merit." *Id.* In order to protect Government employees from this type of harassment, the Tax Division frequently must file suits asking courts to declare these kinds of liens invalid, to expunge the liens, and to enjoin the filing of any additional liens.³

In addition, the Tax Division has prosecuted and convicted individuals on the theory that filing common-law liens constitutes a corrupt endeavor to impede and obstruct the due administration of the Internal Revenue Code in violation of 26 U.S.C. § 7212. *See, e.g., United States v. Reeves*, 752 F.2d 995 (5th Cir.), *cert. denied*, 474 U.S. 834 (1985), *appeal after remand*, 782 F.2d 1323 (5th Cir.) (per curiam), *cert. denied*, 479 U.S. 837 (1986); *United States v. MacElhain*, 858 F. Supp. 1096 (N.D. Ala. 1994), *aff'd*, 68 F.3d 486 (11th Cir. 1995) (civil suit to expunge liens after conviction for corruptly endeavoring to impede and obstruct the due administration of the Internal Revenue Code in violation of 26 U.S.C. § 7212).

Criminal Prosecutions

- In *United States v. Phillip Marsh, et al.* (N.D. Cal.), the founder of The Pilot Connection Society ("TPCS"), Phillip Marsh, was sentenced to 17½ years in prison. His wife, Marlene, a co-founder and marketing director of the organization, was sentenced to 14 years in prison. TPCS was the largest known tax protest organization in the country. In December 1995, following an eight-week

³*See, e.g., United States v. Rowen*, 52 F.3d 335 (Table), 75 A.F.T.R.2d 95-2102, 1995 WL 230345 (9th Cir. 1995) (affirming injunction and invalidation of common law liens and awarding sanctions because "an appeal from a removal of baseless liens against IRS employees is frivolous"); *United States v. Schenk*, 951 F.2d 1261, 1991 WL 274094 (10th Cir. 1991) (dismissing appeal for lack of jurisdiction where tax protester defendant refused to respond to district court order striking his purported answer as nonresponsive in an action brought for declaratory and injunctive relief); *United States v. Montgomery*, 778 F.2d 222, 224-225 (5th Cir. 1985) (affirming order to expunge \$1 million "common-law liens against IRS employees and charging a tax protester with attorney's fees where he "perjured in reiterating the time-worn arguments of those persons who are attempting to avoid their fair share of the costs of the Government that organizes the society in which they live"); *Reyn v. Bilby*, 764 F.2d 1325 (9th Cir. 1985) (holding that trial court had jurisdiction to release baseless common-law liens against the judge, prosecutor, defense counsel, and IRS agents involved in tax protester's prosecution for failure to file income tax returns); *United States v. Elblad*, 732 F.2d 562 (7th Cir. 1984) (involving common law lien filed against IRS employee assigned to collect delinquent taxes); *United States v. Hart*, 701 F.2d 749 (8th Cir. 1983) (per curiam) (involving common law liens recorded by registers of deed and indexed against real property owned by IRS employees following IRS audit); *United States v. St. Paul*, 1993 WL 501833 (C.D. Cal. Aug. 30, 1993) (granting Government summary judgment motion in action to expunge "A Security (15 U.S.C.) Claim of Commercial Lien" to seize all real and moveable property of 16 IRS employees, a bankruptcy judge, the bankruptcy trustee and the trustee's staff attorney, and an Assistant United States Attorney); *United States v. Van Dyke*, 568 F. Supp. 820, 821 (D. Ore. 1983) (observing that tax protesters file common law liens "to harass IRS employees and deter them from enforcing the tax laws.")

trial, a jury returned guilty verdicts against six of the seven defendants charged in this case.⁴ These six defendants were convicted of a *Klein* conspiracy, i.e., a conspiracy to defraud the United States by impeding and impairing the IRS in the ascertainment, computation, assessment, or collection of taxes. Several defendants -- who had TPCS as managers, coordinators, and/or administrators -- also were convicted on substantive tax charges and mail fraud charges. Through TPCS, the defendants promised to "untax," permanently and legally, individuals and businesses who followed their directions and the advice contained in the "Untax Package," which was for sale to individuals who became members of TPCS. Once "untaxed," members were told that they would thereafter have no legal obligation to keep records for income tax purposes, file tax returns, or pay any income tax. Members were told that the IRS is not a Government agency but is a private corporation organized under the law of the State of Delaware and that non-resident aliens were not legally required to pay Federal income taxes. From January 1990 through December 1993, the defendants collected in excess of \$3 million by the sale of the Untax Package and other creeds.

After the sentence was imposed, both Phillip and Marlene Marsh were taken immediately into custody. In response, the Attorney General stated at her weekly press availability that "[t]his successful prosecution of one of the nation's largest illegal tax protester organizations sends a clear message to those who would cheat or counsel others to cheat the Government that they will be held fully accountable for their crimes." The Marsh sentencing followed closely the sentencing in Dallas, Texas, in May 1996 of eight TPCS Associate Members to terms of incarceration ranging from three to nine years. This brings to 34 the total number of TPCS members who have been charged with criminal tax offenses or other criminal offenses to date.

- In *United States v. Gerald Joe Henson* (W.D. Tex.), a jury convicted the defendant of conspiracy to defraud the United States, uttering counterfeit securities, possession of false papers to defraud the United States, and mail fraud. Henson was one of seven people indicted in September 1995 by a federal grand jury for his participation in a scheme to defraud the IRS by producing, selling, and mailing approximately \$2 million in bogus money orders to the IRS. Henson and his co-defendants were selling these bogus money order packets through organizations known as "USA First" and "O.M.B. W.D. McCall." Henson is also a leader of an anti-Government tax protester organization called "United Sovereigns of America," and has written and published tax protester, anti-Government and militia books and literature, including a book on Common Law Courts. In June 1996, one of Henson's co-defendants, Wayne Slater, pled guilty to one count of mail fraud. Slater, who was previously convicted in San Antonio for his participation in this bogus money order scheme

⁴The Tax Division's trial attorney and the two Assistant United States Attorneys who tried this case received the Attorney General's 1996 John Marshall Award for the Trial of Litigation

on charges of conspiracy to commit mail fraud and for using the bogus money orders to defraud private creditors, agreed to testify against his co-defendants. Henson's conviction followed. Both defendants are scheduled to be sentenced in Fall 1996.

- In *United States v. James L. Noske, Joan M. Noske, John B. Ellering, Inelda M. Spaeth, Loren Scherping, Laverne Scherping, and Dwaine Weber* (D. Minn.), in November 1995, after two months of trial, a jury convicted six of seven defendants on multiple tax and money laundering charges. The principal defendants, James and Joan Noske, who have long been active protesters in central Minnesota, were convicted on a *Klein* conspiracy to defraud, a conspiracy to evade payment of the income taxes, and a substantive evasion of payment charge. Joan also was convicted on five counts of structuring financial transactions to avoid filing currency transaction reports. The total additional tax due and owing for the five prosecution years was about \$250,000. The *Klein* conspiracy was based on the concealment of taxpayers' assets and income from the IRS through the use of multi-layered trust schemes and alleged non-profit corporations. The Noskes sold these trusts, claiming it was a legal means to avoid paying income taxes. The conspiracy to evade payment and substantive evasion of payment charges were based on the use of the multi-layered trusts to conceal assets from the IRS.

- In *United States v. Robert Clarkson, Herbert Fleschner, and Vernon Rubel* (W.D.N.C.), three tax protesters were convicted in October 1994 on a *Klein* conspiracy charge. They organized the Hickory Patriots, which advised incoming members to increase the number of allowances claimed by them on their Forms W-4 and to stop filing returns. Clarkson testified at trial that he last filed a Federal income tax return for 1978, and Fleschner testified that he last filed for 1986. Clarkson is a disbarred attorney who was convicted in 1978 of filing false claims for refund. Fleschner is a chiropractor who practices in Hickory, North Carolina. In January 1995, Clarkson was sentenced to 57 months in prison, and Fleschner was sentenced to 38 months in prison. Rubel's sentencing is pending.

- In *United States v. Stuart Tulchinsky and Cathie Schneider Tulchinsky* (D. N.H.), these tax protesters were charged with evading taxes of approximately \$140,000 for the years 1986 through 1989. In this four-year period, the defendants bought a lake front vacation home, took annual vacations in Jamaica, and spent \$350,000 (mostly in cash) to build a new home. In April 1995, a jury convicted both defendants. Tax protester giant Irwin Schiff and other nationally known protesters testified on behalf of the defendants. In July 1995, both defendants were sentenced to serve 18 months in prison; each was fined \$5,000 and ordered to pay restitution to the IRS.

Litigation Related to the "Common Law Courts" Movement

Over the last several years, the IRS and the Tax Division have been compiling information about the "common law court" movement, including various organizations in Texas, Louisiana, Florida, and Michigan. The movement is premised on the philosophy that supreme authority resides in "the people." Federal, state, and local laws, and action taken by Government actors under color of law, are viewed as unconstitutional and wholly null and void. They confer no rights, create no offices, bestow no power or authority, confer no responsibility, afford no protection, and fail to justify any action. Accordingly, the movement has established its own system of "common law courts."

Among the provisions governing so called "common law courts" are rules stating that these courts have original jurisdiction to determine who is a citizen of the United States of America and original jurisdiction in all actions by and against citizens of the United States. See, e.g., "How to Establish a Common Law Court, Comprehensive Documented Instructions and Information." These rules provide that there shall be no criminal actions commenced or prosecuted against or by a citizen. They state that citizens are "entitled" to transfer matters from the United States District Courts to their "common law courts." See Devin Burghart and Robert Crawford, *Guns & Gavels: Common Law Courts, Militias & White Supremacy*, Appendix B, Court Rules for Madison County, Idaho Common Law Court, Portland (Ore): 1996.

Members of this movement often claim that they are not citizens or residents of the United States or any State. They claim non-resident alien status, subject to the jurisdictional immunities of a foreign state as defined in 28 U.S.C. §§ 1602-1611. They state that the income tax is illegal. They do not always accept Government benefits, they say that they do not have faith in the paper money system (and attempt to pay all their debts with coin currency), and they claim not to believe in automobile insurance or state supported automobile or driver's licenses.

While there are undisputed lies between individual tax protesters who support the "common law court" movement and domestic terrorist organizations, some adherents attempt to draw a distinction. For example, at the General Council meeting of the Republic of Texas, convened on April 20, 1996, in Dallas, officers stated "that the Republic of Texas maintains the position that it has always held, which is one of neutrality, non-aggression (sic), and peaceful transition." See Report on Republic of Texas General Council Meeting, April 20, 1996, appearing on the World Wide Web at <http://www.flash.net/~robertk/mcct0420.htm>.

As demonstrated below, the Tax Division has had numerous contacts with the "common law courts movement" in its litigation.

- In *United States v. Lake, et al*, No. CV-95-P-2698-W (N.D. Ala.), the Tax Division brought a civil suit to expunge baseless liens and enjoin further harassment of IRS agents and credit union officials who had honored an IRS levy. In late 1995, the Government filed a motion for summary judgment and sought expedited consideration. The court granted a preliminary injunction enjoining the defendants, two tax protesters, from harassing the IRS and credit union representatives. The defendants responded with a document construed by the court as a motion to dismiss, which was denied. Thereafter, in January 1996, the defendants filed with the Clerk of the United States District Court a "Notice of Removal" of the federal proceedings to the "common law court" of the Republic of Texas.⁶ The "removal action" was served on United States District Judge Sam Pointer (the presiding judge), the Attorney General, the United States Attorney, and the Tax Division trial attorney as defendants. The filing also included a "Petition to Remove Action from De Facto Corporate Court to Our One Supreme Court of Common Law Venue with Original and Exclusive Jurisdiction, Petition for Declaratory Judgment, and Petition for Writ of Prohibition" and accompanying affidavits, and a "Judicial Order and Judgment." See documents collected in Attachment E. The notice of removal states that:

The attorneys ... that have prosecuted this action as agents of foreign principals have committed criminal acts in conspiracy with Judge Pointer. They too will be prosecuted and the punishment will fit the crime.

The conspirators that have prosecuted this action have played their little game pretending that they have jurisdiction over the undersigned. The undersigned has acted in good faith to demonstrate beyond question the error of the prosecuting party. Being uncivilized, criminal elements of the corrupt, bankrupt, corporate Government, the attorneys for the foreign agents continue to deny truth, and, rather than prosecute the criminal IRS agents, they have chose to defend their partners in crime.

In late February 1996, the defendants filed with the District Court, a "Judicial Notice of the Filing of Emergency Constructive Notice of Petition for Emergency Writ of Prohibition," indicating a writ was being sought from the United States Court of Appeals for the Eleventh Circuit. In the meantime, the Government's summary judgment motion is pending.

⁶The full name of this "common law court" as it appears in the heading on the documents filed is the "republic of Texas[,] our one supreme court[,] common law venue; original and exclusive jurisdiction[,] a superior court sitting with the power of a circuit and UNITED STATES District Court[,] the people in and for Harris county, Texas state[,] united states of America.

- The Tax Division also frequently receives bogus quiet title actions "brought" in common-law court by "freemen" and served on the Attorney General or the President. The Division's Civil Trial Section, Western Region, for example, recently received 14 such "suits" in one day. Such "suits" also have been referred to the Division by the White House through the Department's Executive Secretariat. The papers declare that the United States has no jurisdiction over the plaintiff or plaintiffs so that they do not owe any taxes to the United States. See, e.g., documents from the "united states of America, country of California (organic), Los Angeles county, (de jure)" and Order and Judgment of the United States Court of Appeals for the Tenth Circuit entered in *Ensminger v. Farm Credit Bank*, Nos. 94-6415, 94-6417 (10th Cir. Apr. 7, 1995) (same issue). Generally, the Tax Division does not take action with respect to such irregular purported suits unless they are accompanied by baseless liens or other affirmative actions.

- Where defendants in criminal prosecutions employ "common law court" devices, the circumstances may involve the risk of harm to federal law enforcement officials. For example, in *United States v. O'Neill, et al.*, No. A-95-CR-154 JN (W.D. Tex.), the Tax Division is assisting in the prosecution of seven defendants involved in a scheme to promote the use of bogus money orders as legal tender. In April 1996, an individual previously identified by the IRS Inspection Division as a potentially dangerous taxpayer¹⁴ filed on behalf of the defendants a 57-page emergency appeal in the United States Court of Appeals for the Fifth Circuit asserting that U.S. District Judge Nowlin does not have jurisdiction over the prosecution because the United States has no jurisdiction in Texas. In addition, the "Chief Foreign Legal Officer of the Republic of Texas" sent a certified letter to the Hon. Henry Politz, Chief Judge of the Fifth Circuit, saying that

You are hereby legally served notice that under the laws of nations, that the People of the Republic of Texas have reconstituted and claimed their rights to the sovereign right of Eminent Domain of the Soil of Texas.

You are hereby notified to begin immediate preparation and whatever procedures are necessary to vacate the sovereign Soil of the Republic of Texas, or you will be held in violation of an International Boundary Treaty, perfected between the Republic of Texas and United States of America on October 13, 1838 and in violation of Article 6 of the constitution of the United States under pacific performance of your oath of office.

¹⁴A "potentially dangerous taxpayer" is an individual who has been classified as such by the IRS Inspection Division because he or she fits certain criteria. This classification includes individuals who make specific threats against IRS employees and employees of other governmental agencies, and people who are active members in tax protest groups that advocate violence against IRS employees.

The letter also included a February 24, 1996, letter to "All the Member Nations of the United Nations" from "The People of the Republic of Texas by and Through Their Provisional Government by the Authority of its Greater Council," a "Default Judgment on Common Law Writ of Quo Warranto Under the Law of Nations," and three documents entitled "True Bill of Indictment." The letter indicates that copies of the letter and attachments were sent to all federal judges, clerks, and courts in Texas.

- Tax Division prosecutors also have been served with documents accusing them of criminal conduct, demanding that they make admissions, and purporting to require the execution of promissory notes as punishment. For example, one attorney who regularly prosecutes tax protesters received a "Special Appearance, Notice to the Court of Possible Mistake/Error and/or Fraud and Demands by Special Appearance, a Notice of Refusal, Demand, Declaration & Certification, a Promissory Note in the Nature of an Indemnity Bond." The documents purport to require the attorney to admit having "acted in bad faith," "perpetrated fraudulent concealment," and having "trespass[ed] upon inalienable rights by fraudulent, malicious and abusive process in an attempt at common barratry (sic) and fraud on the court." As compensation for these actions, the attorney is required to execute a promissory note for \$2 million in silver, or to present a letter or "admission or error and apology with declared intention to remedy and compensate [the victim] for [the] injurious errors."

In sum, these cases are always extremely resource intensive. A modest infusion of resources will enable the Tax Division to respond to this growing need by re-tooling its resources, marshalling its knowledge, and supporting efforts in the field to bring tax protesters to justice.

ELECTRONIC FREEDOM OF INFORMATION ACT LEGISLATIVE AMENDMENTS

	Positions	FTE	Amount
Civil Litigation	2	2	\$191
Total Increase	5	3	\$191

The Tax Division needs additional resources to comply with several changes to the Freedom of Information Act (FOIA) and the Privacy Act enacted by Congress in 1996. The Division estimates that the new workload will require one attorney, two paralegals, a legal data technician, and one legal assistant, *i.e.*, three FTE and \$191,000.

Under prior law, the Tax Division was authorized to respond to requests for information made pursuant to the Freedom of Information Act on a first come, first serve basis. In 1996, Congress enacted amendments that impose a new 20 working-day response. These new provisions will create significant burdens on the Division's FOIA unit which, excluding litigation matters, is currently allocated only two partial attorney positions, one paralegal, and a partial secretarial position.

For the last several years, the number of FOIA requests received by the Tax Division has increased annually. In calendar year 1994, the Division received less than 300 requests. By the end of 1996, the Tax Division received approximately 535 new FOIA requests. The Division did an excellent job of meeting the deadlines of the old law in 1996. If the deadlines of the present law had been in effect, however, and sufficient resources were not supplied, at times more than 90 percent of the pending requests would have been overdue. In order to comply with the current law, the Tax Division needs to have the resources to handle new requests within 20 working-days, to keep pace with the already increasing number of requests, and also to handle the flood of additional requests that almost certainly will result from growing public awareness of the new legislation. The Division also anticipates that the new legislation will generate increased litigation, particularly among tax protesters, which the Division will be required to defend.

In addition, other portions of the new law will necessitate that the Division expend new resources to reply to individual requests by creating and maintaining responsive records in an electronic format, and to make commonly requested information available for viewing on the Internet. These resources will require a legal data technician as well as new technology.

In sum, additional resources will be required to accommodate the faster turn around time on new requests, to handle the already growing and anticipated increase in requests, to convert voluminous records to readily accessible electronic format, and to defend new litigation.

Tax Division
Salaries and Expenses, General Legal Activities
Qualification of Multi-Activity Program Changes
(Dollars in thousands)

Budget Activity/Program	Tax Protester Initiative		
	Pos.	WY	Amount
Federal Appeals	..	..	..
Criminal Prosecution	4	2	\$231
Civil Litigation	4	2	231
Management & Administration	..	..	..
TOTAL	8	4	\$462

The Tax Protester Initiative has the following objectives:

1. To develop a systematic approach for handling criminal prosecutions of organized tax protester groups;
2. To develop a systematic approach for handling defensive civil litigation brought against the Government by tax protester organizations and individuals who identify themselves as associated with the tax protester movement;
3. To develop new strategies, including affirmative litigation, that will deter tax protester activities;
4. To develop systems for sharing and readily accessing the body of knowledge developed by the IRS and the Tax Division as a result of many years of litigation with tax protesters, e.g., correspondence, sample pleadings, jury instructions, brief banks, and
5. To provide training to Assistant United States Attorneys and IRS personnel so that criminal prosecutions of tax protesters and civil tax protester litigation are handled efficiently and effectively.

File Melt2
January 28, 1997

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Tax Division
Solicitor and Expenses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Tax Exempt Initiative			Exempt Initiative			Grand Total		
	Pos.	Amount		Pos.	Amount		Pos.	Amount	
Grants									
GS-13.....	2	\$114	2	\$114	1	\$56	3	\$284	
GS-11.....	1	40	1	40	2	42	4	182	
GS-47.....	1	27	1	27	2	36	4	110	
Total positions and annual rate	4	(81)	4	(81)	5	194	13	556	
Supplies (1).....	(2)	(91)	(2)	(91)	(2)	(97)	(6)	(379)	
Other personnel compensation									
Total work years and personnel compensation	2	90	2	90	3	97	7	277	
Personnel benefits									
Travel and transportation		27		27		29		83	
GSA rent		11		11		1		23	
Other rent		21		21		26		64	
Printing		4		4		4		12	
Other services								0	
Purchases of goods and services from Government accounts		21		21		11		53	
Operation and maintenance of equipment		18		18		15		51	
Supplies and materials		3		3		0		6	
Equipment		1		1		2		4	
		35		35		6		76	
Total program work years and obligations	2	\$231	2	\$231	3	\$191	7	\$653	
Changes requested, 1978									

FILE: FINANLCJ

01/28/97
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**Tax Division
Solicited Expenses, General Legal Activities
1998 Priority Rankings**

Base Program		Program Increases	
Program	Ranking	Program	Ranking
Criminal Prosecution	1	Tax Protester Initiative (Criminal Prosecution and Civil Litigation)	1
Federal Appeals	2	Electronic Freedom Of Information Act Initiative (Civil Litigation)	2
Civil Litigation	3		
Management and Administration	4		

Tax Division
Salaries and Expenses, General Legal Activities
Detail of Personnel Positions by Category
FY 1996 - 1998

Category	1996		1997		1998	
	Authorized	Reimbursable	Authorized	Reimbursable	Authorized*	Reimbursable
Attorneys (905)	378	10	347	12	5	12
Paralegal Specialists (930)	26		30		4	41
Other Legal and Kindred (900-998)	29	2	37	2	2	57
Gen. Admin. Clerical and Office Services (300-399)	203		164		2	123
Accounting and Budget (500-599)	13		11			9
Total	649	12	589	14	13	591
Washington, D.C.	618	12	559	14	13	561
U.S. Field**	31		30			30
Total	649	12	589	14	13	591
NPR Targeted Positions***						
Supervisors	55		54			53
Personnel Specialists	3		3			3
Budget Specialists	4		7			4
Accountants and Auditors	9		7			5
Attorneys' Assistants	5		4			3
Headquarters Staff	92		94			86

Notes

*Pursuant to its Restructuring initiative, the Division has assessed its work activities and is shifting certain work to paraprofessionals to make more efficient use of attorney resources

**Includes only the Southwestern Civil Trial Section, in Dallas, Texas, which is a permanent field office

***Positions designated as supervisors and headquarters staff overlap those designated in specialty fields

FILE DLT/POC9

01/28/97
B-53

Tax Division
Salaries and Expenses, General Legal Activities
Summary of Attorney and Support Positions
FY 1997 - 1998

Appropriated Positions	1997 Appropriations Existing				1998 Program Increases				1998 Request Level*			
	Attorneys	Support	Total	FTE	Attorneys	Support	Total	FTE	Attorneys	Support	Total	FTE
Decision Unit	53	49	102	73	69				53	49	102	73
Federal Appeals	87	84	171	118	114	2	1	2	87	81	168	126
Criminal Prosecution	196	185	381	299	285	3	2	5	201	189	390	295
Civil Litigation	12	11	23	14	9				12	11	23	14
Management and Administration	147	139	286	195	192	5	4	9	152	140	292	212
TOTAL	347	328	675	491	490	9	13	22	361	340	701	524

Reimbursable Positions	1997 Appropriations Existing				1998 Program Increases				1998 Request Level*			
	Attorneys	Support	Total	FTE	Attorneys	Support	Total	FTE	Attorneys	Support	Total	FTE
Decision Unit	13	11	24	15	13				13	11	24	15
Federal Appeals	1	1	2	1	1				1	1	2	1
Criminal Prosecution	14	12	26	16	14				14	12	26	16
Civil Litigation												
Management and Administration												
TOTAL	28	24	52	32	28	0	28	32	28	24	52	32

Total Positions Requested	1997 Appropriations Existing				1998 Program Increases				1998 Request Level*			
	Attorneys	Support	Total	FTE	Attorneys	Support	Total	FTE	Attorneys	Support	Total	FTE
Decision Unit	53	49	102	73	69				53	49	102	73
Federal Appeals	100	95	195	133	127	2	1	3	108	102	210	141
Criminal Prosecution	196	185	381	299	285	3	2	5	201	189	390	295
Civil Litigation	13	12	25	14	9				13	12	25	14
Management and Administration	161	151	312	209	201	5	4	9	176	166	342	262
TOTAL	361	341	702	496	490	9	13	22	361	340	701	524

Note:

*Pursuant to its Restructuring initiative, the Division has assessed its work activities and is shifting certain work to paraprofessionals to make more efficient use of attorney resources

FILE ATTSPTC8

01/26/97
B-54

Tax Division
Salaries and Expenses, General Legal Activities
Summary of Range Increases by Grade and Object Class
 (Officers in thousands)

	1966 Actual Pct. A, WY	Amount	1967 Requested Pct. A, WY	Amount	1968 Requested Pct. A, WY	Amount	Increase/Decrease Pct. A, WY	Amount
Grades and salary ranges:								
Executive Level IV, \$115,700	1		1					
GS-5 \$113,100	16		16					
GS-5 \$111,751	1		1					
GS-5 \$108,812	1		1					
GS-5 \$105,867	1		1					
GS-14 \$131,535-\$198,714	269		237		264		7	
GS-14 \$64,555-\$83,922	53		54		55		1	
GS-13 \$54,628-\$71,017	50		50		56		6	
GS-12 \$45,978-\$59,735	17		15		14		(1)	
GS-11 \$36,549-\$49,831	44		33		37		4	
GS-10 \$27,548-\$36,813	46		45		47		2	
GS-9 \$21,480-\$28,185	22		27		47		20	
GS-8 \$18,481-\$23,289	22		27		50		(23)	
GS-7 \$15,897-\$23,667	21		17		10		(7)	
GS-6 \$13,065-\$20,294	12		11		5		(6)	
GS-5 \$10,805-\$17,111	1		1		1		(1)	
GS-4 \$10,487-\$12,298	1		1		1			
GS-3 \$10,447-\$12,441	1		1		1			
GS-2 \$15,256-\$119,281	1	\$1,360		\$1,360		\$1,360		
Locality Pay								
1967 pay raise				772		772		772
1968 pay raise								
TOTAL, APPROPRIATED POSITIONS	649	\$18,948	599	\$18,979	991	\$39,805	2	\$1,816
Pay above stated annual rates:								
Lapses		150		146		153		7
Savings due to lower pay scales for part of the year	(89)	(4,153)	(64)	(3,464)	(59)	(3,963)	(6)	(279)
Net full-time permanent		(413)		(197)		(197)		
Other than full-time permanent:		34,782	545	33,294	541	34,838	(4)	1,544
Part-time permanent	12	834	14	974	14	1,029		
Temporary employment	11	477	4	80	7	127		
Other personnel compensation:								
Overpayment								
Other compensation	2	79	2	100	2	102		
Special personal services payments		203		150		153		3
TOTAL, WORKYEARS AND PERSONNEL COMPENSATION	994	\$18,375	965	\$18,598	964	\$38,349	(1)	\$1,851
Average GS Salary		\$115,895		\$113,374		\$119,435		
Average GS/ML Salary		\$18,375		\$18,374		\$4,382		
Average . . . rate		12.00		12.12		12.39		

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01/28/87
B-55

Tax Divisions
Salaries and Expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1996 Actual		1997 Enacted		1998 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Full-time permanent	569	\$34,782	545	\$35,294	541	\$36,838	(4)	\$1,544
11.2 Other than full-time permanent	23	1,311	18	1,034	21	1,156	3	102
11.3 Other personnel compensation	2	281	2	250	2	235		
11.8 Special personnel services payments								
Total	594	\$36,373	565	\$36,598	564	\$38,229	(1)	\$1,631
Reimbursable workyears:								
Full-time permanent	[10]		[14]		[14]			
Other than permanent								
Other object classes:								
12 Personnel benefits		\$7,694		\$7,812		\$8,335		\$521
13 Benefits to former personnel		47		24		24		
21 Travel and transportation of persons		2,347		2,332		2,410		78
22 Transportation of things		510		513		532		19
23.1 GSA rent		6,529		6,522		6,590		68
23.3 Communications, utilities and miscellaneous charges		1,283		1,242		1,104		(138)
24 Printing and reproduction		73		35		36		1
25.2 Other services		1,425		1,709		2,771		1,002
25.3 Purchases of goods and services from Government accounts		985		1,243		1,053		(190)
25.7 Operation and maintenance of equipment		196		206		214		8
26 Supplies and materials		372		348		493		(151)
31 Equipment		1,016		499		184		(115)
TOTAL OBLIGATIONS	594	\$59,862	565	\$59,343	564	\$61,995	(1)	\$2,652

Note

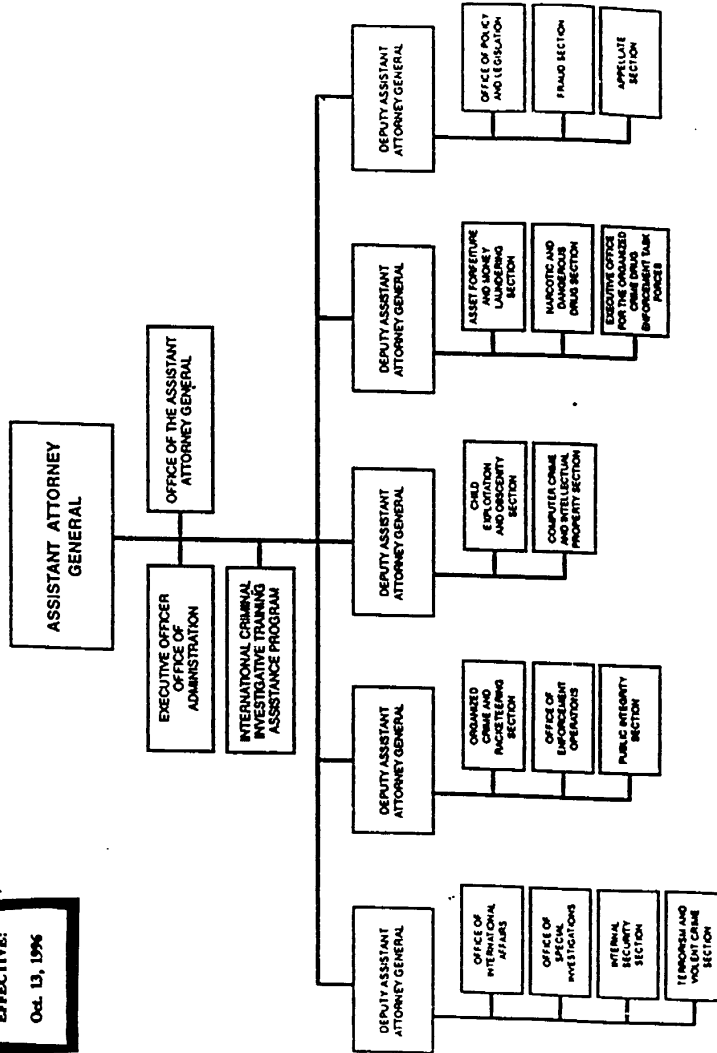
*These increased resources reflect management's decision to "outsource" certain administrative and support functions

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01/28/97
B-56

CRIMINAL DIVISION

ORG. CHART
EFFECTIVE:
Oct. 13, 1996



**Criminal Division
Salaries and Expenses
Summary of Budgetary Data
(Dollars in Thousands)**

Adjustments in Basic 1997 Appropriation As Extended	Fiscal Year		
	1997	1998	1999
Salaries:			
1998 Pay Rate			1,333
Estimated of 1997 Pay Rate			646
CRS Salary Adjustment			0
Within-Grade Increase			549
Anticipation of 1997 Positions			1,064
Foreign Allowances			1
Accident Compensation			140
Travel Mileage Allowance Rate			1
Comprehensive Management System			57
Investigation/Prosecution			6
ICASS Increase for Staffing			15
Non-Federal Crime			348
Overhead			0
Cost of Living Level Adjustment			3,915
Total Salaries			729
Program Change (See Program Narrative for Details)			23
1999 Estimate			752

Estimates by Budget Activity	1997 Period			1998 Estimate			1999 Estimate		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Operational Crime & Narcotics	200	201	213,733	200	201	214,329	201	204	214,993
Non-Federal Crime	167	163	20,039	167	169	21,624	168	181	23,297
Investigational	178	178	20,794	178	183	21,824	200	193	23,217
Litigation Support	99	100	12,039	99	100	12,446	99	100	12,446
Management and Administration	739	747	848,180	739	757	892,155	792	796	897,448
Total									
Reimbursable Workyears			60			60			60
Total Workyears			807			817			846
Other Workyears									
Overhead			2			2			2
Total Compensable Workyears			809			819			848

**Criminal Division
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)**

	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Pos	WT	Pos	WT	Pos	WT	Pos	WT
Executive Office for U.S. Attorneys								
Organized Crime and Drug Enforcement	19	2,187	19	2,187	19	2,187	0	0
U.S. Agency for International Development	3	3,946	3	4,002	3	4,002	0	0
U.S. Department of State	38	1,119	38	12,894	38	12,894	0	0
DOJ Fees								
Attorneys		505		505		809	0	0
Budgetary Resources	0	60	0	60	0	60	0	0
		16,142		21,978		21,978		

Criminal Division
Salaries and Expenses
Program Performance Information
Government Performance and Results Act

Mission: The mission of the Criminal Division is to develop, enforce, and exercise general oversight for federal criminal laws, except those that are specifically assigned to other Divisions. The Division oversees criminal matters under more than 900 statutes; supervises certain civil litigation; advises the Attorney General on matters concerning criminal law; monitors sensitive areas of criminal law requiring coordination, such as attorney subpoenas, attorney fee forfeitures, and international law enforcement; establishes and facilitates the implementation of criminal law enforcement policies; provides leadership for coordination of federal-state-local law enforcement relationships; and coordinates law enforcement issues relating to national security.

The first concise mission statement for the Division appears in a message from the President of the United States transmitting a manuscript entitled, "Origin and Development of the Office of the Attorney General" to the House of Representatives in 1929. In the manuscript, President Coolidge writes:

"An Assistant Attorney General has charge of a Division which operates in connection with the enforcement of criminal laws of the country by giving direction, where necessary, to the prosecution of cases involving crimes against the United States and to all the other matters involving criminal practice and procedure, such as questions pertaining to indictments, grand juries, search warrants, passports, alien enemies, extraditions, etc. Under the Division also come questions arising in connection with crimes committed on the high seas, crimes arising under the national banking law, and under naturalization laws, and from which is given, when necessary, advice and instruction to United States Attorneys in various districts respecting the conduct of criminal cases."

There have been any number of expansions of the Division's responsibilities since 1929. While the basic mission remains unchanged, we have broadened the scope to encompass national security law enforcement issues that have taken us into the arena of international affairs.

**Criminal Division
General Goals And Objectives**

- 1) Reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts. Reduce violent crime, including organized crime and gang-related violence.
- 2) Identify and neutralize the activities of foreign and domestic entities that endanger national security, including domestic terrorism and espionage, through effective counterterrorism and counterintelligence programs.
- 3) To direct and coordinate the federal effort against white-collar crime, with a focus on fraud involving government programs, financial institutions, procurement, and health care. To implement and coordinate a nationwide program to ensure the integrity of both public office and the electoral system at the federal, state, and local levels of government. To coordinate the investigation and prosecution of violations of federal obscenity and child pornography laws.
- 4) To ensure the appropriate use of the most sensitive investigative tools available to the investigative agencies in their conduct of criminal investigations. To develop, coordinate and implement, through litigation, nationwide policies and programs regarding the seizure and forfeiture of the assets and profits of criminals and criminal groups and actively prohibit the money-laundering process of illegal drug proceeds through a program of relentless investigative and prosecutorial operations.
- 5) Coordinate and integrate DOJ law enforcement activities wherever possible, and cooperate fully with other federal agencies that are critically linked to improve operation of the justice system.

**Criminal Division
Salaries and Expenses, General Legal Activities
Justification of Program and Performance
(Dollars in Thousands)**

	Perm. Pos.	FTE	Amount
Organized Crime & Narcotics			
1997 Enacted	96	97	\$11,553
1998 Base	96	97	11,932
1998 Estimate	101	100	12,405
Increase/Decrease	5	3	473

Base Program Description: This decision unit focuses on the following objectives:

- Ensuring the investigation and prosecution of all major organized crime groups and activities.
- Assisting the Department in fulfilling its responsibilities in the development and implementation of domestic and international narcotics law enforcement programs and policies.
- Providing direct litigative support to the Organized Crime Drug Enforcement Task Force (OCDEF) and High Intensity Drug Trafficking Area (HIDTA) Program, other multi-agency initiatives, and U.S. Attorneys' Offices (USAOs) in recusal matters or as requested.
- Participating, on behalf of the Department, in the development and administration of cooperative drug enforcement initiatives and projects conducted by the law enforcement and intelligence communities.

Accomplishments:

- In 1996, the Organized Crime and Racketeering Section (OCRS) continued its high level of success in prosecuting organized crime leaders and dismantling illegal underground enterprises in major cities. For example, federal prosecutors

under OCRS' supervision indicted most of the hierarchy of the Genovese La Cosa Nostra (LCN) family in New York City on Racketeer Influenced and Corrupt Organizations (RICO) charges; the Genovese LCN is the country's largest and most powerful LCN family. Prosecutors also indicted the entire leadership of the Detroit LCN on RICO charges, convicted the boss and several leaders of the Philadelphia LCN for RICO-murder, and recently indicted the new boss of the Gambino (NYC) LCN family for RICO-extortion. Over the last year, the rate and seriousness of cases involving Russian and Asian crime groups continued to rise, reflecting the sharp increases in the size of the Russian and Asian ethnic communities in the United States. As a result, OCRS broadened its efforts to address Russian and Asian gangs and the violence they engender. For example, under OCRS direction, federal prosecutors in Brooklyn convicted this country's most powerful Russian criminal, Vyacheslav Ivankov, for extortion. In the area of Asian organized crime, over 75 defendants were indicted for various offenses, including Hobbs Act and RICO violations arising from a series of robberies of computer chip companies in California, which collectively amounted to several million dollars. Similarly, a major gun smuggling ring connected to munitions manufacturers in the People's Republic of China was indicted for smuggling 2,000 automatic weapons into the United States.

As part of its role in the Department's Southwest Border Initiative (SWBI), the Narcotic and Dangerous Drug Section (NDDS) prosecuted SWBI cases involving more than 68,124 kilograms of cocaine, 57,820 pounds of marijuana, 1,235 pounds of methamphetamine, and 21 kilograms of heroin. NDDS participated jointly with the U.S. Attorney's Office for the Southern District of California in an SWBI case involving a three-year, multi-jurisdictional investigation of a major Mexican trafficking organization conducted by the DEA, IRS, U.S. Customs, INS, and various local law enforcement agencies. The investigation culminated in the convictions of four principals, including the principal lieutenant. Over the last year, NDDS continued to prosecute large-scale narcotics cases through its satellite office in Puerto Rico. Puerto Rico's proximity to the United States has made it a major transshipment point for multi-kilogram quantities of Colombian cocaine entering the eastern and southern U.S. In 1996, NDDS responded aggressively to the narcotics being trafficked through Puerto Rico and prosecuted cases involving a total of more than 17,233 kilograms of cocaine, 17,200 pounds of marijuana, and 201 kilograms of heroin. In one case, NDDS trial attorneys successfully prosecuted over 20 members of a major drug trafficking organization that distributed hundreds of kilograms of cocaine, heroin, and marijuana in public housing projects throughout the San Juan area. Since October 21, 1995, when President Clinton signed Executive Order 12978, NDDS has worked with the Department of the Treasury to identify 282 companies and frontpersons in Colombia that are owned, or controlled by, or act on behalf of, the leaders of the Cali Cartel, and has imposed sanctions on them pursuant to the International Emergency Economic Powers Act (IEEPA). IEEPA sanctions have closed bank accounts, disrupted wholesale supply networks, and caused the isolation of Cartel-owned or controlled companies in international

financial systems. During the past year, IEEPA sanctions forced Cali Cartel kingpins Manuel and Gilberto Rodriguez to sell their pharmaceutical empire. In addition, NDDDS has provided substantial litigation support and expert assistance to United States Attorney's Offices in various capital case prosecutions. For example, in U.S. v. Lamont Janner Fleming, et al., NDDDS collaborated with the U.S. Attorney's Office for the Eastern District of North Carolina in the conviction of nine defendants charged in connection with interstate drug trafficking and three related murders.

Program Changes:

	Pos.	FTE	Amount
Drug Strategy	5	3	\$ 473

This initiative seeks to address the following objectives:

- Increase the Division's participation in the Southwest Border Initiative to meet workload needs (3 positions); and
- Increase staff in order to keep pace with the increasing amount of Federal capital case prosecutions that the Division must review (2 positions).

As a part of its overall Drug Strategy the Criminal Division is requesting 5 positions (all attorneys), 3 workyears, and \$473,000. If approved, the resources necessary for FY 1999 will amount to 5 positions, 5 workyears, and \$793,000.

Southwest Border Initiatives

The Criminal Division coordinates the targeting and management of multi-district investigations and prosecutions undertaken pursuant to the Southwest Border Initiative (SWBI), the Department's priority narcotics enforcement program. This initiative targets the major Mexican trafficking organizations that import tons of cocaine, marijuana, heroin, methamphetamine and precursor chemicals into the U.S. As much as 70% of all the cocaine entering the United States is believed to come across the southwest border. The targeted organizations traffic in a variety of controlled substances while committing criminal acts of violence to further their illegal narcotics activities. As a result, the quality of life in the states along the border is frequently in jeopardy.

Through the SWBI, the Administration has committed an unprecedented amount of resources and attention to stem the flow of drugs, guns and illegal immigration along the U.S.-Mexico border. From Washington, the Division provides central coordination and direction for multi-district investigations and prosecutions, together with headquarters representatives from the investigative agencies. This coordination reaches all facets of the Administration's unified SWBI strategy.

With regard to domestic investigations and prosecutions, the SWBI routinely targets the highest managerial levels of the drug trafficking organizations, as well as their regional operation centers and their client organizations. This prosecutive approach is the most effective way to realize the greatest disruption to the illegal activities of the organization and its operatives. As a consequence, the Division is called upon to facilitate and coordinate these multi-pronged investigations by ensuring complete cooperation and communication among the investigating entities and districts. This type of coordination ensures that a targeted organization is attacked as a whole and not in a piecemeal fashion.

The Administration's unified strategy along the southwest border also focuses the efforts of the intelligence community, the military and the law enforcement community -- resulting in a present and growing need for coordination among these groups. Centralized management is essential to protect the integrity of the ongoing investigations and prosecutions and to maintain the effective interworkings of the military, intelligence and legal communities. The Division takes the lead in the operational coordination for the Department in SWBI matters. As the investigations undertaken as part of the initiative have continued to expand, the need for additional resources to support this crucial coordination function has become even more acute.

In addition, the Division maintains its traditional responsibilities for overall policy matters and for responding to United States Attorney's Office's requests for litigation support and assistance. These traditional roles have expanded proportionally with the increase in cases and investigations undertaken pursuant to the Initiative.

One example of the Division's involvement in the SWBI is the recently concluded Zorro II investigation. This effort involved intensive, full-time coordination by the Division over an eight-month period. This was the most significant SWBI effort that was concluded during FY 96 and is therefore a matter of public record. The operation involved 14 judicial districts and more than 90 court-authorized wiretaps. The headquarters level attorneys assigned to organize this investigation worked virtually exclusively on this assignment during the eight months. The day before the Zorro II takedown, those same attorneys began planning the next multi-district SWBI investigation that is now still ongoing.

For FY 1998, the Division is requesting three attorneys to increase its ability to coordinate and support the SWBI from

headquarters. In order to meet workload increases, the Division must receive additional resources to effectively manage this multi-pronged initiative. If not, the Division's ability to continue the level of success achieved thus far will be impaired, and the quality of the initiative as a whole will suffer. The Attorney General repeatedly has emphasized the need for greater centralized management and coordination of large-scale efforts such as the SWBI. The Division serves as the Attorney General's eyes and ears regarding the SWBI and its involvement ensures that the initiative is managed and conducted efficiently. As this effort continues to grow, such management and coordination is resource intensive and cannot be performed without additional positions for the Division.

Federal Capital Case Prosecutions

The Criminal Division is requesting two attorney positions to enhance its capability to manage the increasing workload associated with federal capital case prosecutions. The Division's Narcotic and Dangerous Drug Section (NDDDS) assists the Department in fulfilling its responsibilities for administering more than 50 federal death penalty offenses. NDDDS maintains a unit of attorneys with a concentrated depth of knowledge and expertise who participate in the Attorney General's Capital Case Advisory Committee to develop policy and procedures for federal capital prosecutions. The attorneys also review and recommend appropriate action by the Attorney General in response to requests from U.S. Attorneys for authorization to indict and seek the death penalty for narcotics-related offenses. They also draft and maintain a library of resource materials for use in federal capital litigation.

NDDDS attorneys conduct the first-level review of narcotics cases in which a U.S. Attorney intends to charge a defendant with an offense subject to the death penalty. In the last five years, NDDDS has provided a comprehensive analyses and appropriate recommendations to the Attorney General for more than 95 defendants charged with capital offenses in drug-related cases. NDDDS attorneys have also provided advice and assistance to federal prosecutors in the cases of more than 70 defendants charged with other than drug-related capital offenses.

Section attorneys continue to perform analyses of constitutional, substantive and procedural legal issues for Assistant U.S. Attorneys evaluating capital case investigations and prosecutions. The Deputy Chief for Policy and three attorneys participate in the Attorney General's Working Group that drafted the protocol for evaluating potential federal death penalty prosecutions and continue to advise senior Department attorneys on policy, procedures and training in the Department's capital case litigation.

The responsibilities of Division attorneys assigned to capital cases have significantly expanded as a result of three events: (1) the establishment of the Attorney General's Anti-Violent Crime Initiative in October 1993; (2) the enactment of the Violent Crime Control and Law Enforcement Act (VCCLEA) in September 1994; and (3) the promulgation of the Department's capital case "Protocol" (USAM 9-10.000) in January 1995.

In September 1994, the VCCLEA expanded the number of Federal death penalty offenses from a handful to over 50. As a result of the Anti-Violent Crime Initiative, Federal prosecutors are devoting additional resources to the investigation and prosecution of violent gangs and are pursuing indictments under capital statutes including drug-related, violent and organized crime offenses. The capital case expertise of NDDDS' attorneys enables them to effectively provide review, evaluation, advice, and assistance to USAOs, other Criminal Division sections, and other Department components, in cases indicted under the VCCLEA for drug and non-drug related offenses. As a result of the January 1995 promulgation of the Protocol, both the Attorney General and the Attorney General's Capital Case Review Committee evaluate all cases in which death-eligible offenses are charged. Therefore, even in those cases in which the USAO recommends against seeking the death penalty, Criminal Division attorneys perform an extensive review of the case to facilitate the Review Committee's evaluation under the Protocol. In the five years prior to the Protocol, NDDDS and senior Department attorneys reviewed the cases of approximately 55 defendants charged with drug-related capital offenses. Pursuant to the Protocol, NDDDS attorneys have reviewed U.S. Attorneys' submissions for more than 100 defendants charged with drug-related and other capital offenses--an average of six capital cases per month.

To effectively manage the increased death penalty litigation, the Criminal Division proposes to expand upon the efforts of NDDDS, and create a "Capital Litigation Response Team" comprised of federal prosecutors with significant "hands-on" experience in capital cases. The mission of the response team will be to ensure that those federal prosecutors in the various districts around the country who are prosecuting capital cases have enhanced access to the expertise and resources needed to do so effectively. NDDDS attorneys have been, and will continue to be, available to serve on the U.S. Attorney's capital case prosecution teams as needed. Accordingly, the Division is requesting two attorney positions for FY 1998.

	Perm. Pos.	FTE	Amount
White Collar Crime			
1997 Enacted	200	201	\$23,733
1998 Base	200	201	24,529
1998 Estimate	205	204	24,983
Increase/Decrease	5	3	454

Base Program Description: Staff in this division unit focus on the following objectives:

- Overseeing the federal effort to combat corruption through the prosecution of elected and appointed public officials at all levels of government and handling all matters involving alleged misconduct by federal judges and other corruption matters in which a United States Attorney's Office is recused.
- Supervising the investigation and prosecution of conflicts of interest and election crimes.
- Conducting major criminal investigations and prosecutions of fraudulent schemes against individuals; institutions and the United States Government.
- Developing and enhancing local, state, federal and international law enforcement cooperation in the prevention of fraud schemes.
- Identifying the major offenders of child exploitation, child sexual abuse, child prostitution, and obscenity statutes and prosecuting cases of national scope.
- Coordinating child exploitation prosecutions with U.S. Attorneys' Offices.
- Assisting the U.S. Attorneys' Offices in investigating and prosecuting offenders and providing the U.S. Attorneys' with the requisite specialization in these sensitive high profile areas of the law.
- Developing and coordinating national projects and prosecutions that involve the protection of minors from sexual

exploitation and abuse.

- Implementing a comprehensive program designed to address the growing global computer crime problem.

Accomplishments:

- The Public Integrity (PI) Section continued to aggressively pursue convictions against elected and public officials engaged in corruption. In particular, the Section was successful in obtaining a conviction against William Lanning, a Senior Program Manager at the Defense Intelligence Agency, who conspired to defraud the United States of \$400,000 and who engaged in a number of other crimes. PI was instrumental in prompting one current and three former Department of Agriculture career employees to plead guilty to conspiracy as a result of promises made to co-workers which sought to trade official government benefits for contributions to a political action committee. The Section was also successful in gaining convictions against three CIA employees and their accomplices for their roles in intercepting items in the CIA's classified mail and then using stolen CIA credit cards to obtain more than \$193,000 worth of goods and services. In addition, the Section continued its highly effective administration of the Independent Counsel provisions of the Ethics in Government Act, including conducting preliminary investigations under the statute, and handling independent counsel inquiries concerning legal issues, Departmental policies, requests for documents and interviews of Department personnel.
- The Fraud Section was heavily involved in the re-creation and revitalization of the Department's Advisory Council on White-Collar Crime. The Section provided direction to interagency law enforcement working groups to promote an aggressive and cohesive federal response to fraudulent activities in the areas of health care, telemarketing, financial institutions, securities and insurance. In support of Advisory Council objectives, the Fraud Section coordinated Operation Senior Sentinel, the largest nationwide undercover operation ever devised to combat telemarketing fraud. Begun by the Department in early FY 1996, this initiative has resulted in the prosecution of more than 800 individuals, with prison sentences as long as 14 years. In the area of health care fraud, the Fraud Section and the United States Attorney's Office for the Southern District of Georgia jointly convicted ABC Home Health Services, Inc., the nation's largest privately-owned home health care provider, of defrauding Medicare through false statements and claims for reimbursement. In addition, the Section continued to support the Department's financial institution fraud enforcement program. Of the many convictions that the Section obtained in 1996, one of the most significant was the conspiracy and bank bribery convictions of Richard J. Arnone, Sr., a former vice president and senior loan officer of First Mutual Bank for Savings and Susan G. Middleton, a former real estate developer and borrower of the bank.

- The Child Exploitation and Obscenity Section (CEOS) strongly supported the Department's battle to protect children from individuals who use the U.S. Mail System or computers to sexually abuse and exploit them. For example, in conjunction with the United States Postal Inspection Service, CEOS developed and initiated a nationwide investigation and prosecution program designed to identify and prosecute individuals who use U.S. Mail to distribute and receive child pornography. Through the first half of FY 1996, this project, entitled "Project Special Delivery," resulted in searches of 133 residences and in the apprehension of several dangerous child molesters. More than 72 individuals have been formally charged as of November 25, 1996 with more than 40 cases resolved by conviction. In collaboration with the FBI, CEOS helped to coordinate the "Innocent Images Project" which strives to combat the trafficking of child pornography over computer networks. This was the first national project of its kind to target the misuse of a major U.S. online service provider (America Online) by pedophiles and others involved in transmitting pornographic images of children. The project utilized novel investigative and prosecution techniques, served as a laboratory for policy initiatives, and identified critical issues which are now being addressed. To date, more than 200 individual investigations have been opened, 80 individuals arrested, and 66 convictions obtained. Further, CEOS has continued its efforts to address the problems of child prostitution within the United States and abroad. In addition to enhancing investigations and prosecutions, CEOS has worked extensively with local and state non-governmental organizations in developing strategies to address the victim and witness aspects of child prostitution in the United States. The Section also participated in international activities through INTERPOL and the United Nations to increase international cooperation to better address sex tourism issues.
- With extensive expertise in emerging technologies, large-scale communications networks, and other related areas, the Computer Crime and Intellectual Property (CCIP) Section continued to serve as leading advisors and spokespersons for the Department on encryption and other technical issues. Two CCIP attorneys filled leading roles in government-wide efforts to protect the nation's information infrastructure—one served as a commissioner on the President's Commission on Critical Infrastructure Protection and the other was a member of the Intergovernmental Information Protection Task Force. CCIP was instrumental in the drafting of the National Information Infrastructure Protection Act of 1996, passed as Title II of the Economic Espionage Act. This legislation significantly broadened federal jurisdiction over computer crimes—offenses that attack the confidentiality, integrity, and availability of information systems and the data they contain. In addition, CCIP coordinated investigations of hacker attacks into numerous military and government information systems, culminating in the first court-ordered wiretap of an unknown intruder in a packet-switched network (Harvard University, Faculty of Arts and Sciences). In an effort to expand the Department's capabilities to address computer-related crime, CCIP also helped to establish a Departmental Computer/Telecommunications Coordinator Network consisting of 120 federal prosecutors from across the nation.

Program Changes:

	Poa.	FTE	Amount
Computer Crime Initiative	5	3	\$454

To address the emerging area of computer crime, the Criminal Division is requesting an increase of 5 positions (4 attorneys), 3 workyears, and \$454,000 for FY 1998. If approved, resources necessary in FY 1999 are 5 positions, 5 workyears, and \$745,000.

The Criminal Division plays a significant role in the federal effort to protect critical computer networks. Today's terrorists frequently utilize computer networks to communicate, plan and execute terrorist attacks. The Criminal Division, through its Computer Crime and Intellectual Property Section, is responsible for ensuring that the Department can respond quickly and effectively to terrorist attacks on our networks. Through participation on the President's Commission on Critical Infrastructure Protection and the Information Protection Task Force, the Division is working to protect network integrity from terrorist attacks. As a part of this effort, the Division is working, along with other Federal agencies, to develop an international plan to address cryptography.

The Division's newly created Computer Crime and Intellectual Property Section is responsible for implementing the Justice Department's Computer Crime Initiative, a comprehensive program designed to address the growing global computer crime problem, including cyberattacks on critical information systems. Section attorneys are actively working with other government officials (e.g., the FBI, Department of Defense, NASA), the private sector (including hardware and software vendors and telecommunications companies), academic institutions, and foreign representatives to develop a global response to cyberattacks. These attorneys, who are responsible for resolving unique issues raised by emerging computer and telecommunications technologies, litigate cases, provide litigation support to other prosecutors, train Federal law enforcement personnel, comment upon and propose legislation, and coordinate international efforts to combat computer crime. For example, Section attorneys were actively involved in drafting two new laws--the National Information Infrastructure Protection Act and the Economic Espionage Act. Both statutes are designed to protect nation's information infrastructure and the information it contains. Section attorneys are also working on several international fora, including the Organization of Economic Cooperation and Development, the Council of Europe, and the G7/P8, to harmonize computer crime laws and eliminate the procedural impediments present in international hacker investigations.

The computer crime threat continues to grow. The number of Internet users has been doubling annually, and there are now an estimated 40 million users throughout the world. This phenomenal growth has been matched by a similar growth in the number of Internet attacks which has also doubled every year. (Source: Computer Emergency Response Team at Carnegie-Mellon University). In fact, in a recent survey, 42% of the respondents indicated that there had been an unauthorized use of their computer system within the last year. See Richard Power, *Current and Future Danger* (Second Edition), 1996, at page 2. Both statistics and experience show that current staffing levels are simply inadequate. New resources are urgently needed if the Division is to continue to play a critical role in protecting the Global Information Infrastructure. As investigative agencies expand their efforts to address computer crime, the Criminal Division must also receive additional resources to support their efforts and keep abreast of rapidly changing technology and new legal issues. For FY 1998, the Division is requesting five positions to address the increasing incidence and complexity of computer crime.

	Perm. Pos.	FTE	Amount
International			
1997 Enacted	167	163	\$20,039
1998 Base	167	169	21,434
1998 Estimate	188	181	24,397
Increase/Decrease	21	12	2,963

Base Program Description: Staff of this decision unit focus on the following objectives:

- Guiding federal and state prosecutors in the return of fugitives from abroad.
- Obtaining evidence and legal assistance from foreign governments.
- Negotiating treaties and other agreements that will facilitate the extradition of fugitives and acquisition of evidence.
- Developing, implementing and coordinating investigative and litigative strategies in the area of national security.
- Supervising all prosecutions involving the Neutrality statutes, the Espionage statutes, the Arms Export Control Act, the Export Administration Act, the International Emergency Economic Powers Act, and the Classified Information Procedures Act (CIPA).
- Administering and enforcing the Foreign Agents Registration Act (FARA).
- Providing legal support to all Federal investigative agencies engaged in national security matters.
- Identifying all alleged war criminals living in the United States and seeking to denaturalize and/or deport them.
- Developing and maintaining working relationships with foreign governments that have information relating to the activities of suspected Nazi war criminals.

- Investigating and prosecuting federal offenses related to international and domestic acts of terrorism.
- Providing experienced resources to identify, investigate and prosecute individuals engaged in violent criminal activity nationwide.
- Coordinating the Anti-Violent Crime Initiative, including the prosecution of violent gang activities, through partnerships with branches of state, local and international governments.

Accomplishments:

- The Office of International Affairs (OIA) pursued an aggressive policy of negotiating and concluding international law enforcement treaties. As a result, more treaties were signed in the past year than in any previous year. In 1996, thirteen new extradition treaties and six new mutual legal assistance treaties (MLATs) were signed. Moreover, the extradition treaty and MLAT with the Philippines, the extradition treaty with Bolivia, and the MLAT with the United Kingdom all entered into force. These treaties have, and will, allow the U.S. to pursue fugitives and evidence from around the world and help prosecute international criminals. OIA continued its efforts to improve the law enforcement relationship between the U.S. and Mexico, particularly in the areas of narcotics trafficking and fugitives. For example, improved cooperation between the two governments led to the extradition of Francisco Gomez Garcia, a convicted child molester, who was the first Mexican national extradited to the U.S., and to the arrest and expulsion of narcotics kingpin Juan Garcia Abrego to the U.S. where he was subsequently prosecuted and incarcerated. Also, in concert with the Voice of America (VOA), OIA's Fugitive Unit established an interagency international fugitive alert service, including a world wide web site. In August of 1996, VOA and OIA launched a public service program, International Crime Alert, to be broadcast every week worldwide. Once a fugitive is featured on the program, that person's photograph and identifying information will be posted on the "home pages" of the U.S. Information Agency and OIA's Fugitive Unit. In addition, OIA attorneys assisted in the formulation of the Nigerian Strategy, an interagency plan to address the growing international crime problem generated from Nigeria and West Africa, and subsequently coordinated the work of task forces and high-level meetings for the Attorney General.
- Over the last year, the Internal Security Section (ISS) worked closely with U.S. Attorney's Offices in the prosecutions of numerous individuals involved in espionage for foreign powers. Most notably, Harold James Nicholson, a former CIA officer, was charged in the Eastern District of Virginia with multiple espionage violations, and is being held without bail

pending trial. Earl Edwin Pitts was arrested in December of 1996 and was indicted for violations of the espionage statute. Serving as an FBI agent from 1987 to 1992, Pitts allegedly provided FBI information to officers of the KGB and one of its successor agencies in exchange for a total of approximately \$125,000. From 1995 to 1996, Pitts also allegedly provided classified information to an undercover agent posing as a Russian intelligence officer. Pitts is being held without bail pending trial. Among other significant cases, Robert Steven Lipka, who had worked at the National Security Agency (NSA) in the 1960s, was indicted in Pennsylvania for conspiracy to commit espionage on behalf of the Soviet Union from 1965 to 1974; and Robert Chaegon Kim, a civilian employee with the Office of Naval Intelligence, was charged in Virginia with communicating classified information to South Korea during mid-1996. ISS was also instrumental in obtaining a guilty plea from John Douglas Charlton for delivering classified Navy documents to an undercover FBI agent posing as a French intelligence officer, and in obtaining a guilty plea from Phillip Tyler Seldon, a former U.S. Army officer, for conspiring to communicate classified information to a military officer from El Salvador.

During 1996, the Office of Special Investigations (OSI) completed a complex investigation designed to identify and exclude from entry to this country those persons implicated in the Imperial Japanese Army's perpetration of the so-called "Comfort Women" mass rapes in Korea, China and elsewhere during WWII. This investigation also sought to identify and exclude persons who participated, either directly or indirectly, in the gruesome and frequently lethal pseudo-medical experiments on Allied prisoners of war and other non-volunteer subjects. This probe was successfully concluded despite the Japanese Government's non-response to the Department's request for investigative assistance. In May 1996, OSI successfully argued for the denaturalization of Aleksandras Lileikis, Chief of the Nazi-sponsored Lithuanian Security Police in Vilnius during the Nazi occupation of Lithuania. U.S. District Judge Richard Stearns returned a ruling which noted that Lileikis' wartime activities "clearly constitute" participation in the persecution of civilians. Also during 1996, OSI began representing the Department in a multi-agency federal investigation into the fate of gold and other assets seized by Nazi Germany, Switzerland and other nations during and after WWII from Jewish and other citizens.

Over the last year, the Terrorism and Violent Crime Section (TVCS) has worked with its counterparts in the investigative, intelligence, diplomatic, and military communities to precipitate the rendition of dangerous international terrorists to the United States for prosecution, thereby reinforcing the U.S. commitment to apply the rule of law to terrorist activities worldwide. For example, TVCS was instrumental in arranging the informal rendition of Omar Ali Rezaq from a North African country. Later in the year, TVCS contributed to the prosecution of Rezaq in the District of Columbia, where he was convicted for aircraft piracy and the murders of two U.S. and Israeli passengers. To further the ability of the U.S. to address international and domestic terrorism, TVCS proposed aggressive terrorist legislation which was enacted in

April 1996 and constitutes the most comprehensive package of anti-terrorism measures ever enacted in the U.S. TVCS then led the effort to implement this legislation by 1) designing and coordinating the process to designate foreign terrorist organizations; 2) coordinating efforts to effectively review the appropriateness of the application of the death penalty in pertinent cases; 3) facilitating the establishment of the Alien Terrorist Removal Court; and 4) providing legal advisory materials and policy guidance to federal prosecutors concerning the legislation. In addition, TVCS has played a leadership role in increasing federal attention on domestic terrorist activity, thereby facilitating the prevention of inchoate terrorist activity through early detection. This has involved the Section in designing and implementing a comprehensive data collection system and in developing and heading the Department's intercomponent coordination effort. Also, TVCS has enhanced the Anti-Violent Crime Initiative by developing a national strategy to prosecute and dismantle gangs using a wide variety of tools such as wiretapping, the RICO and Violent Crimes in Aid of Racketeering (VCAR) statutes, and the forfeiture and money laundering laws, which effectively attack the infrastructure of those street gangs engaging in sophisticated illegal businesses. These strategies have proved highly successful. In cooperation with the U.S. Attorney's Office for the Middle District of Florida, TVCS secured indictments in U.S. v. Clarence Michael Smith et al., involving several members of the Outlaw Motorcycle Gang.

Program Changes:

	Poa.	ETE	Amount
International Coordination	21	12	\$2,963

This initiative seeks to address the following objectives in the Division's Office of International Affairs (OIA):

Allow the Division to address the increasing workload associated with international terrorism and extradition (2 positions).

Increase the Division's presence overseas (3 positions).

Address increasing attention to multi-lateral international issues (7 positions).

Enhance the Division's ability to collect and analyze international law enforcement data and provide this information and related briefing materials to senior officials in the Department (9 positions).

The Division is requesting 21 positions (8 attorneys, 6 analysts, 6 paralegals, and 1 clerical), 11 workyears, and \$2,963,000 as a part of its international coordination initiative. If approved, the resources necessary for FY 1999 will amount to 21 positions, 21 workyears, and \$4,431,000.

Extradition and Mutual Legal Assistance

The Criminal Division's Office of International Affairs (OIA) plays a critical role in the U.S. Department of Justice's fight against terrorism. Specifically, OIA serves as the Central Authority for making and arranging the execution of all requests for international extradition and mutual legal assistance in criminal matters both to and from the United States. Some of the most sensitive and important extradition and mutual assistance cases involve acts of terrorism. The rendering of international fugitives, witnesses and evidence through extradition and mutual legal assistance is crucial to the increasing number of investigations and prosecutions of cases by federal, state and local law enforcement agents and prosecutors that require information from overseas.

In this arena, OIA negotiates law enforcement treaties and executive agreements which cover terrorist offenses; coordinates the "hiring" of international fugitives from places where formal extradition is not available to places where legal rendition is possible; and serves as the FBI's contact office within the Department on matters covered by the Attorney General's Extraterritorial Guidelines. For example, OIA played a central role in effecting the extradition of World Trade Center defendant Ramzi Yousef from Pakistan to the United States. OIA was also involved in the rendition of World Trade Center defendant Mahmud Abu Halima from Egypt, and accused airline saboteur Abdul Hakim Murad from the Philippines. The Office assisted in the preparation of the U.S. extradition documents for accused CIA alooter Mir Almal Kansil. Even the Oklahoma City bombing, although apparently an act of purely domestic terrorism, has generated the need for OIA assistance. OIA has advised U.S. prosecutors on how best to obtain, if needed, the testimony of Terry Nichols' wife, who is now residing in the Philippines.

Nor is OIA's work limited to cases of terrorism directed against the United States. OIA attorneys are directly involved in Federal extradition proceedings against Mousa Mohammed Abu Marzook, a member of Hamas accused by Israel of masterminding the financing of several terrorist acts. Office attorneys are also participating in extradition proceedings against Daya Singh Sandhu and Kamaljeet Kaur Sandhu, two Sikh separatists accused of murder and other terrorist offenses in India. And, prior to the U.S. decision to indict and prosecute Sheikh Omar Abdel-Rahman in the United States for his involvement in a large terrorist conspiracy in New York, OIA attorneys handled the request from Egypt for the extradition of the Sheikh-even to the point of sending a senior attorney to Cairo to advise the Egyptian Government on options for the legal rendition of the Sheikh

to that country.

Unfortunately, despite the increasing number of cases handled by OIA, resources for this important office have shrunk. Specifically, in 1990, OIA handled 2,618 ongoing extradition and mutual legal assistance cases, and received 1,328 new cases. By 1996, the number of ongoing cases handled by OIA had more than doubled to 6,139, and the number of new cases received had increased to 2,051. In contrast, the number of attorneys on staff in OIA dwindled from 41 in January of 1995 to only 36 by October of 1996. As a consequence, OIA attorneys have worked longer, harder, and with better technology, but the demands placed on those attorneys is fast approaching critical mass. Moreover, OIA's ability to effectively handle the ever increasing number of important, time-sensitive cases, is now endangered.

If the present trend continues, the gap between the work required of OIA and the resources provided to do it will continue to expand. Recently, the Senate Foreign Relations Committee and the full Senate gave their advice and consent to ratification of 12 new extradition and mutual legal assistance treaties. Once those new treaties enter into force--which is likely to take place later this year--the number of international extradition and mutual assistance cases handled by OIA will take another significant upward leap. For example, OIA estimates that there are at least 100 fugitives from U.S. justice currently residing in the Philippines--many of whom are wanted for serious violent crimes such as murder. As soon as the new extradition treaty with the Philippines enters into force, OIA will begin the legal and documentary work necessary to seek the extradition of those fugitives. Meanwhile, in addition to the 12 treaties awaiting ratification, six more such treaties are either ready for signature or are almost completed, and dozens more either are, or soon will be, in the process of negotiation.

In order to effectively handle the increasing demands on its resources, and particularly those created by the Department's fight against terrorism, the Division is requesting two attorney positions to assist with the increasing role of the Office in international terrorism.

Overseas Positions

The Division has been tasked by the Attorney General to expand its presence overseas. In response to this mandate, the Division is requesting three attorney positions to be placed in select overseas embassies to provide much needed support in vital regions. To best address the threat of terrorism, and to ensure effective worldwide coverage, the Division requests funding to place attorneys in Manila to support East Asia, Brasilia to support South America, and Athens to support the Middle East. Without additional resources in 1998, the Division will be unable to place attorneys in these locations.

The Department is becoming more aware of the value of having our attorneys stationed at embassies in foreign countries. Our attorneys in Rome and Brussels have proved extremely valuable. With a Division attorney in Brussels, the U.S. has been able to keep abreast of developments in the European Union—to an extent previously impossible. In addition, because an OIA attorney is stationed in Brussels, the Department was represented in the pre-meeting for the G-7 Ministerial Conference on Terrorism in Europe. This enabled the Division to establish contacts and brief the Attorney General for the conference in a thorough and comprehensive manner. The Division's attorney in Rome has been invaluable in facilitating cooperation between U.S. and Italian prosecutors and police in dealing with the mafia and organized crime cases, as well as a number of other cases.

Deep country or region specific in-house expertise, which goes beyond extradition and mutual assistance law to include identifying all manner of international law enforcement issues and devising appropriate short and long term strategies, is currently lacking. Yet as the Attorney General's international role increases, the need for such expertise also grows. Legal cooperation with the Department's peers in the foreign justice and interior ministries cannot be supported by State personnel.

Although the number of law enforcement personnel (e.g., FBI Legats, DEA country reps) stationed abroad continues to rise, their important work is limited to law enforcement issues. This personnel does not have the training or expertise to provide substantive legal guidance on treaty matters, or to answer questions regarding the rendering of evidence or extraditing a fugitive from a country where we don't have an extradition relationship to one where we do. The increasing number of sophisticated legal issues that involve the United States are referred to OIA's attorneys. An on-the-ground U.S. legal presence in a foreign country can more quickly and effectively ensure the extradition of major U.S. fugitives, the acquisition of evidence which will be admissible in U.S. courts, and the successful coordination of U.S. law enforcement policy with respect to both the host country and the region.

OIA attorneys located overseas will complement domestic efforts by serving as liaisons with foreign prosecutorial and Justice Ministry authorities, and as legal advisors to the growing number of U.S. law enforcement personnel (e.g., FBI Legats, DEA Country Reps, etc.) stationed abroad. As such, it is a priority of the Division to ensure that the placement of our personnel is closely coordinated with other DOJ components.

Multi-Lateral Issue Team

The Division requests seven positions (3 attorneys, 2 analysts, 1 paralegal, and 1 clerical) to create a new Multi-Lateral Issue Team to be placed in the Office of International Affairs (OIA). OIA was originally created to handle bilateral criminal matters

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(including treaty negotiations) and case-related issues. However, the Department has become increasingly involved in important multi-lateral fora. This involvement has become increasingly important given the international enforcement effort against transnational crime. OIA has provided the necessary support from its existing resources, but as work in this area increases, it has become a heavier burden. We believe that based on our input and experience to date, OIA is the appropriate place for the Department's multi-lateral activity to be centered. Examples of the types of multi-lateral work include:

- Work on the UN's international criminal court initiative;
- Work on the UN Crime Control Congress;
- Work on the war crimes tribunal(s);
- Organization of American States treaty negotiations;
- Work on the Dublin Group;
- Work on the European Union Caribbean initiative;
- INTERPOL (OIA currently provides a senior attorney who acts as the USNCB's General Counsel); and,
- Participation in studies of transnational organized crime and terrorism resulting from the Economic Summit of the P8 (includes the U.S., the U.K., Japan, Italy, France, Germany, Canada, and Russia).

A number of senior attorneys are spending an increasing percentage of their time participating in multi-national, multi-lateral crime fighting initiatives. These attorneys draw upon existing staff to support their efforts. However, prior to their involvement in these multi-lateral matters, these attorneys and support staff were already fully occupied with the traditional work of OIA cases and bilateral treaty matters. The Division requires additional resources to ensure that we neglect neither our traditional bilateral enforcement role, nor our new multi-lateral responsibilities.

In addition, the U.S. belongs to both the G7 and P8 groups consisting of Japan, the United Kingdom, Germany, Italy, Canada, France and the U.S. (the P8 also includes Russia). In 1997, the U.S. will take its turn as President of the G7/P8. While

economic leadership is the focus, the leaders of these nations realize that terrorism and crime have a profound impact upon the economic stability of the world. Thus, law enforcement matters constitute a substantial portion of every summit agenda.

G7/P8 conferences have been the source of numerous task forces including the Financial Action, Organized Crime, and the Precursor Chemical Task Forces. At the 1995 G7 Summit in Halifax, the nations resolved to send their representatives to a ministerial conference on terrorism which was held in 1996. Following the recent bombing in Saudi Arabia, President Clinton urged that terrorism, because of rampant terrorist activity, required further attention. His resolve was adopted by the G7 leaders who directed a ministerial working group on terrorism to develop a list of concrete recommendations similar to those proposed by the G7/P8 International Organized Crime Task Force.

The Attorney General chaired the American delegation to a ministerial meeting in Paris which set new action steps to combat international terrorism. These newly designated anti-terrorism efforts are to be launched beginning as early as February of 1997. In anticipation of U.S. leadership, the U.S. will be assuming the lead in the Terrorism G7.

The Deputy Attorney General anticipates that over half of the substantive agenda during the U.S. Presidency of the G7/P8 will be devoted to terrorism related activities. Due to its current role and expertise, the Criminal Division will be heavily relied upon to provide a substantial portion of the support to the U.S. President as he undertakes the leadership of the G7/P8. To ensure that we successfully meet the demands of the work generated by this initiative, OIA will need to deploy additional staff and resources.

Consequently, OIA proposes to establish a small multi-lateral team to complement its existing geographic team structure. The team will provide support to senior policy makers, participate in issues that cut across existing geographical team boundaries, staff the presidency of the G7/P8, and ensure continuity in the professional staff.

Analysis Unit

The Division is requesting an increase of nine positions (4 analysts and 5 paralegals) to make structural changes, requested by the Attorney General, to its Office of International Affairs (OIA). Due to the increasing international nature of crime, the Department frequently requests the Division to provide comprehensive reports regarding foreign countries and international issues. The Division needs additional resources to:

- Create a Unit that will collect, organize, and critically analyze all sensitive international law enforcement information and provide senior managers within the Department with such information upon request;
- Produce and provide any necessary briefing materials on international matters; and,
- Develop the capability to spot emerging trends and stay abreast of rapidly changing country priorities.

The Division has been asked to develop an internal capability to provide thorough and reliable information on a full-range of matters of Departmental interest regarding priority countries in the international community. The Unit will serve as a pro-active liaison group for reaching out to, and collecting information from, other components within DOJ, other Federal agencies, the National District Attorneys Association (NDAA), the National Association of Attorneys General (NAAG), and the law enforcement community. Working groups will be formed with these components and agencies to ensure that all appropriate international information is collected by the Unit.

OIA already serves as the Department's principal point of contact on our most important international criminal matters-- extradition, mutual legal assistance, and the negotiation of international treaties and agreements. In the United States, OIA attorneys have developed excellent relationships with U.S. Attorney's Offices, state prosecutors, law enforcement agencies (both DOJ and non-DOJ), the State Department, and other outside agencies. Overseas, OIA attorneys have developed close working relationships with ministries of justice and interior, police agencies, magistrates, and personnel at U.S. embassies. OIA is uniquely positioned to most effectively elicit the kind of cooperation and information sharing necessary to acquire the even broader expertise and analysis the Department requires.

	Perm. Pos.	FTE	Amount
Litigation Support			
1997 Enacted	178	178	\$20,796
1998 Base	178	182	21,824
1998 Estimate	200	193	23,217
Increase/Decrease	22	11	1,393

Base Program Description: Staff of this decision unit focus on the following objectives:

- Training of prosecutors and law enforcement officers in the terms of the Indian Gaming Regulatory Act, the National Indian Gaming Commission's regulations, and changes in case law, as well as providing advice and support to the United States Attorneys' Office and coordinating investigations in these matters.
- Managing, within the constraints of law and Department policy, the effective use of such investigative tools such as electronic surveillance, witness security and relocation, threats against prosecutors, covert activities involving Federal prisoners and protected witnesses, and authorization of witness immunity.
- Approving or disapproving requests for Witness Security Program services, coordinating related activities among the various agencies relating to the Program, and coordinating all movements and activities of the witnesses.
- Directing the enforcement of a limited number of statutes where considerations of logistics or other requirements dictate centralization.
- Developing, coordinating, and implementing, through litigation, nationwide policies and programs regarding the seizure and forfeiture of the assets and profits of criminals and criminal groups.
- Coordinating, on a national level, the simultaneous investigation of money laundering organizations with the goal of dismantling the organizations, prosecuting the principals, and seizing their assets.

- Assisting U.S. Attorneys' Offices in litigating forfeiture cases where specified circumstances exist.
- Assisting the Solicitor General by preparing draft briefs in opposition, merits briefs, and petitions for certiorari.
- Assisting United States Attorneys by presenting oral arguments and writing briefs, rehearing petitions, and mandamus petitions in the courts of appeals.
- Conducting systematic evaluations of major law enforcement programs (to include internal Division activities/programs).
- Facilitating the exchange of information with other public agencies and private institutions in the field of law enforcement.
- Developing, in cooperation with other federal justice agencies, legislative proposals, legal memoranda, and statements to be given before Congress by officials of the Department.
- Enhancing police and investigative capabilities throughout Latin America, the Caribbean, Haiti and the Newly Independent States (Russia).

Accomplishments:

- During the past year, Appellate Section attorneys have handled pretrial proceedings in three cases of national importance: the Oklahoma City Bombing prosecution of Timothy McVeigh and Terry Nichols; the Unabom prosecution of Theodore Kaczynski; and the fraud prosecution of the Montana Freeman. Section attorneys have drafted most of the briefs filed in each case and have argued many of the pretrial matters. The Appellate Section has also taken the lead in briefing and arguing appellate cases construing the new Anti-Terrorism and Effective Death Penalty Act, which restricts habeas review of final convictions. The Section provided a draft brief in *Elker v. Turpin*, the first Supreme Court case construing the statute, and it has filed briefs and argued cases still pending before several courts of appeals. Section attorneys have also limited the damage caused by the Supreme Court's decision last term in *United States v. Gaudin*. In that case, the Court reversed prior precedent holding that materiality is a legal question for the trial judge rather than a fact question that must be submitted to the jury. *Gaudin* placed at risk many false statement convictions in which the element of materiality was not submitted to the jury. The Supreme Court and the courts of appeals are now considering the question of whether a *Gaudin* error can be harmless. The Appellate Section has briefed this issue for several courts and has played a leading

role in formulating the Department's legal strategy on the issue.

- In 1996, the Office of Enforcement Operations (OEO) was successful in increasing the effectiveness of several of its programs and in enhancing responsiveness to requests for services and/or review. For example, the Office 1) increased access to the International Prisoner Transfer Program for federal inmates and established uniform criteria for deciding which inmates ought to be permitted to transfer; 2) provided a high-quality and timely review of electronic surveillance requests despite an almost 30 percent annual increase in such requests from 1992 to the present--the quality of these reviews has been instrumental in achieving an almost zero rate of suppression for wiretap orders challenged in federal court; 3) streamlined and tightened the review process for the Witness Security Program (WSP) to ensure that the WSP is utilized only in those cases where absolutely necessary, resulting in a reduced number of applications approved; 4) worked closely with the Attorney General's Advisory Committee and the Executive Office for United States Attorneys to develop the Emergency Witness Assistance Program, which was subsequently approved by the Attorney General; 5) provided a problem-solving service for federal, state, and local law enforcement officials relating to problems in the use of electronic surveillance laws; and 6) in conjunction with sponsoring law enforcement agencies and the Immigration and Naturalization Service, developed and implemented the S Visa Program for applications for non-immigrant status for foreign witnesses and informants. The Office is also responsible for responding to Freedom of Information Act (FOIA) and Privacy Act (PA) requests on behalf of the Division and was successful in reducing the case backlog in these areas by more than 60%.
- Over the last year, the Asset Forfeiture and Money Laundering Section (AFMLS) made significant progress in implementing the Attorney General's call to reinvigorate the forfeiture program. The Section assessed the concerns of the Department's components and, in February 1996, provided program reinvigoration recommendations to the Attorney General and the Deputy Attorney General. As a result, several initiatives were undertaken including 1) the dissemination of reinvigoration guidelines to the investigative agencies and U.S. Attorneys; 2) the utilization of forfeiture as a tool against the drug-smuggling activity along the southwest border; and 3) the development of training seminars for federal criminal prosecutors and agents that provide information necessary for them to pursue forfeitures successfully. AFMLS continued its efforts to promote world-wide asset forfeiture cooperation and reciprocal asset sharing. For example, the Section assisted Colombia in drafting its forfeiture laws that were recently enacted. The Section has continued to advocate and facilitate the transfer of forfeited property to those countries who have provided assistance to the United States in a variety of matters. In the area of money laundering, AFMLS represented the Department at the historic Hemispheric Conference on Money Laundering which took place in December 1995 in Buenos Aires. The Conference

resulted in a Ministerial Communiqué which set forth a series of steps the countries agreed to take to fight money laundering.

- The Office of Policy and Legislation (OPL) conducted a variety of studies, prepared reports, and presented recommendations to senior management on topics of special interest to the Division, the Attorney General, and the Administration. For example, the Office 1) summarized youth violence statistics and juvenile crime trends and participated in numerous interagency groups examining various aspects of youth violence, including a working group that drafted proposed legislative amendments to the Federal Juvenile Delinquency Act; 2) developed an initiative to strengthen public safety in Indian Country (in cooperation with the Child Exploitation and Obscenity Section) by improving federal and tribal criminal justice capabilities and holding serious offenders accountable, especially in the areas of violent crime and child abuse; 3) evaluated the Short-Term Witness Security Program and recommended changes to streamline program operations; 4) conducted an in-depth study of the Russian banking and finance system and the Russian export/import and customs regimes, focusing on how they are being used by Russian organized crime; 5) established an in-house computer capability to collect and analyze criminal justice-related data from a wide variety of sources in order to inform Division and Department policy decisions; and 6) handled all Criminal Division responsibilities related to the production of Prisoner Impact Assessments (PIAs), which estimate the effects on federal prison space and costs of proposed and enacted legislation.

Program Changes:

	Pos.	FTE	Amount
Electronic FOIA	22	11	\$1,393

This initiative seeks to:

Increase the Division's capability to address the growing number of requests for access to Criminal Division records under the Freedom of Information Act (FOIA) and Privacy Act (PA), implement the requirements of the recently enacted Electronic Freedom of Information Act Amendments of 1996 (E-FOIA), and help address the existing backlog of FOIA and PA requests in the Division.

The Division is requesting 22 positions (3 attorneys, 13 paralegals, 1 specialist, and 5 clericals), 11 workyears, and

\$1,393,000 in order to handle the ever-increasing workload in processing FOIA and PA requests. If approved, the resources necessary for FY 1999 will amount to 22 positions, 22 workyears, and \$2,241,000.

Based on its increased workload over the past two years, the requirements of the new E-FOIA, and the existing backlog of cases in the Division's FOIA/PA Unit, additional resources are necessary to enable the Division to respond quickly and efficiently to new FOIA and PA requests, continue to reduce existing backlogs, and implement the substantial changes required by the new E-FOIA.

The Division's FOIA/PA Unit, in the Office of Enforcement Operations, normally receives about 1,300 FOIA/PA requests each year. In 1995, the Unit received 1,961 requests, and in 1996 it received 1,603. Two factors that contributed to these increases are: 1) the efforts of the President and the Attorney General to make government more open and responsive to inquiries, and their related activities to publicize this openness; and 2) a substantial increase in Criminal Division responsibilities with the addition of two new units, the Executive Office for the Organized Crime and Drug Enforcement Task Forces (EO-OCDETF) and the International Criminal Investigative Training and Assistance Program (ICITAP). We anticipate that these factors will cause the higher level of requests to continue over the coming years, and that the new E-FOIA will also generate a substantial increase in the overall number of requests received each year.

In addition to generating more requests, the E-FOIA will impose substantial new procedural requirements. There are several provisions of the E-FOIA which are vague and will result in substantial litigation work for the FOIA/PA Unit. As a result, the Division requests three attorney positions to handle the litigation, administrative appeals and negotiations generated by Sections 1, 6, and 7 of the E-FOIA. Procedurally, the E-FOIA requires that requests be processed in specific ways not previously required. The Division must begin to capture information in a new case tracking system to furnish additional information to Congress in annual reports. New multi-track processing regulations were authorized, as were new requirements for expediting certain requests and for negotiating with requestors when deadlines cannot be met. The Division is requesting thirteen paralegal positions and one clerical position to help implement the requirements of Sections 4, 5, and 7 of the E-FOIA. The Division is also requesting one computer specialist to provide daily assistance to the FOIA/PA Unit in its efforts to implement the automation necessary to comply with the E-FOIA.

	Perm. Pos.	FTE	Amount
Management and Administration			
1997 Enacted	98	108	\$12,059
1998 Base	98	108	12,446
1998 Estimate	98	108	12,446
Increase/Decrease	...	...	...

Base Program Description: Staff of this decision unit focus on the following objectives:

- Supervising the development and implementation of Department policy to ensure the effective, fair and consistent administration of federal criminal laws.
- Establishing priorities and providing general supervision on the national enforcement of federal laws.
- Developing and implementing policies relating to the efficient administration of the Division.
- Providing administrative services necessary to the operation of the Division.

Accomplishments:

- The Office of the Assistant Attorney General continued to provide the federal criminal justice system with national leadership, centralized coordination, and effective direction. The role of the Assistant Attorney General (AAG) manifests itself in communications imparted to other governmental entities and, by extension, to the public. The AAG's Office represented the Criminal Division on proposals transmitted within the Department, with other Federal agencies, and to Congress, and presented the Division's position regarding the changes which are needed to improve the criminal justice system. The AAG's Office enhanced overall coordination and cooperation through communications with other law enforcement executives (federal and non-federal), in speeches, meetings, and correspondence on the most pressing problems facing the criminal justice system, and the means available through law enforcement programs to address emerging problems.

- The Division's Office of Administration supported over 750 attorneys, professionals, and clerical employees in the litigating Sections/Offices. Over the last year the Office provided support for the Division in the areas of personnel, budget preparation and execution, procurement, computer support services, security, facilities, records management and mail. In these areas, the Office continued and/or commenced a number of initiatives which have streamlined existing operations. For example, the Office utilized automation to streamline a number of administrative areas in order to provide increased service to the Division. The Office has introduced automation in areas such as procurement, travel, case-tracking, and correspondence control to increase efficiency and provide more accurate and timely information and service. In addition, the Office continued to enhance the capability of law enforcement by developing new litigation support services. For example, the Office continued to expand its use of Geographic Information Systems (GIS) technology to support law enforcement at both the federal and local levels. GIS allows law enforcement personnel to visually display a variety of geographic/topographic information such as where crimes occur, where defendant residences are located, and even the escape routes taken by criminals; it also facilitates the analysis of crime trends and the development of tactical responses to region-specific crime. This technology has enormous potential to simplify complicated spatial constructs and clearly portray the location and proximity of events leading to a crime, or a series of crimes.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Organized Crime and Narcotics		TARGETS AND ACTUAL RESULTS						
PERFORMANCE INDICATOR INFORMATION								
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target		
Input								
	1. Organized Crime and Narcotics Positions Budgeted	116	97	93	96	101		
	2. Funds Dedicated to Organized Crime and Narcotics	\$ 11,923	\$ 10,245	\$ 10,293	\$ 11,553	\$ 12,405		
	3. Cases Pending	-	106	127	198	206		
	4. Cases Received	-	50	130	168	173		
	5. Matters Pending	-	97	80	89	90		
	6. Matters Received	-	24	160	193	198		
	7. OCRS - Strike Force Cases Pending	-	654	751	775	799		
	8. OCRS - Strike Force Cases Received	-	199	166	171	171		
	9. OCRS - Strike Force Matters Pending	-	710	766	823	880		
	10. OCRS - Strike Force Matters Received	-	164	148	158	158		
Output/Activity								
	11. Cases Closed	-	29	59	155	160		
	12. Matters Resolved	-	41	154	187	192		
	13. NDDS - Legal Advice Provided	-	1,391	1,983	2,010	2,020		
	14. OCRS - Strike Force Cases Closed	-	102	137	147	147		
	15. OCRS - Strike Force Matters Resolved	-	108	91	101	101		
End Outcome ¹								
	16. Percentage of Defendants Convicted	-	-	-	-	-		
	17. Percentage of Requests for Legal Advice and Expertise Honored by Established Deadlines	-	-	-	-	-		

¹ The Division is currently developing measures to assess performance in this area.

<p>A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your programs.</p>	<p>Since its formation in April 1968, the Narcotic and Dangerous Drug Section (NDDS) has exercised supervisory jurisdiction of those statutes pertaining to controlled substances. The Section's current responsibilities include the development and implementation of domestic and international narcotics law enforcement programs and policies, and the provision of direct litigation support to the Organized Crime Drug Enforcement Task Force (OCDETF) and High Intensity Drug Trafficking Area (HIDTA) programs, to the Southwest Border and other multi-agency initiatives, and to U.S. Attorneys nationally in recusal matters or in cases where the Section's expertise is requested. NDDS attorneys represent the Department in developing and administering other cooperative drug enforcement strategies, initiatives, and projects conducted by the law enforcement and intelligence communities, including the National and International Drug Control, Crack Cocaine, Methamphetamine, Heroin, and Marijuana Strategies. The Section Chief and Section supervisory attorneys serve as the Department's designated representative on several senior-level committees of the intelligence and law enforcement communities that plan and coordinate joint international counter-narcotics initiatives and other sensitive law enforcement activities. Additionally, the Chief acts as the designated representative of the U.S. Government in the implementation of the joint U.S.-Republic of Colombia evidence sharing initiative, intended to facilitate the successful investigation and prosecution of major Colombian narcotics traffickers in Colombia. NDDS plays a central coordinating role in a number of multi-district, multi-agency initiatives and prosecutions, including the Southwest Border Initiative (SWBI), the Department's priority narcotics enforcement program targeting major Mexican trafficking organizations.</p> <p>The Organized Crime and Racketeering Section (OCRS) coordinates the Department's program to combat organized crime. The principal enforcement efforts are currently directed against traditional groups such as La Cosa Nostra families and emerging groups from Asia and Europe, such as Chinese Triads, the Sicilian Mafia, and Russian Organized Crime. The Section supervises the investigation and prosecution of these cases by Strike Force Units within U.S. Attorneys' Offices in 21 federal districts having a significant organized crime presence. These cases involve a broad spectrum of criminal statutes, including extortion, murder, bribery, fraud, narcotics, and labor racketeering. The Section is involved in setting national priorities for the organized crime program by coordinating with investigative agencies such as the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), and others, and by working with the Attorney General's Organized Crime Council, which is ultimately responsible for the Federal Government's policy in this area. In addition to its close supervision of all federal organized crime cases, the Section maintains close control over all government uses of the RICO statute and provides extensive advice to prosecutors about the use of this powerful tool. In a more specialized context, the Section also provides support for criminal prosecutions which involve labor-management disputes, the internal affairs of labor unions in the private sector, and the operation of employee pension and welfare benefit plans.</p>
<p>B. Factors Affecting FY 96 Program Performance.</p>	<p>Reorganization - In September 1996, Congress approved a reorganization of the Division to create the new Computer Crime and Intellectual Property Section within the White Collar Crime decision unit. This Section was created with resources from the General Litigation and Legal Advice Section, which has ceased to exist. The remaining resources and responsibilities have been transferred to other Sections/Offices of the Division.</p>
<p>C. Factors Affecting Selection of FY 97 and FY 98 Targets.</p>	<p>During FY 1997, the Division is developing measures to assess the percentage of defendants convicted in organized crime and narcotics cases. In addition, the Division is developing measures to assess the percentage of requests for legal advice and expertise met by established deadlines. FY 1997 and FY 1998 targets are based on the Criminal Division's assessment of workload trends for the future.</p>

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: White Collar Crime		TARGETS AND ACTUAL RESULTS							
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target			
Input	1. White Collar Crime Positions Budgeted	243	234	217	200	205			
	2. Funds Dedicated to White Collar Crime (Dollars in Thousands)	\$24,904	\$24,334	\$23,536	\$23,733	\$24,983			
	3. White Collar Crime Cases Pending	-	178	182	155	164			
	4. White Collar Crime Cases Received	-	138	144	144	164			
	5. White Collar Crime Matters Pending	-	1,325	1,218	1,133	1,181			
	6. White Collar Crime Matters Received	-	752	741	788	803			
Output/Activity	7. White Collar Crime Cases Closed	-	134	171	135	150			
	8. White Collar Crime Matters Resolved	-	859	826	740	745			
Intermediate Outcome	9. Fraud Section - Convictions Obtained	112	101	60	75	75			
	10. Public Integrity - Convictions Obtained	43	35	40	40	40			
End Outcome ¹	11. Conviction Rate	-	-	-	-	-			
	12. Percentage of Requests for Legal Advice and Expertise Met by Established Deadlines	-	-	-	-	-			

¹ The Division is currently developing measures to assess performance in this area.

<p>A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your programs.</p>	<p>The Fraud Section coordinates the federal effort against fraud and white-collar crime. The Section mainly conducts investigations and prosecutions of national significance or great complexity and assists United States Attorney's Offices with cases where requested or when U.S. Attorneys request themselves. The primary focus centers on complex frauds that involve multi-district and international activities; financial institutions; government programs and procurement procedures, especially health care provider and defense procurement fraud; the securities and commodities exchanges; the insurance industry; and schemes that involve multi-district consumer victimization, such as telemarketing. The Section develops policy for the Department through the staff of the Attorney General's Council on White-Collar Crime. In addition, the Section chairs a variety of interagency working groups to better coordinate the substantive fields previously mentioned and trains agents and prosecutors through its participation in conferences and other fora.</p> <p>The Public Integrity Section oversees the federal effort to combat corruption through the prosecution of elected and appointed public officials at all levels of government. The Section has exclusive jurisdiction over allegations of criminal misconduct on the part of federal judges and also monitors the investigation and prosecution of election and conflict of interest crimes. Section attorneys prosecute selected cases against federal, state, and local officials, and are available as a source of advice and expertise to other prosecutors and to investigators. Since 1978, the Section has supervised the administration of the Independent Counsel provisions of the Ethics in Government Act.</p> <p>The Child Exploitation and Obscenity Section (CEOS) prosecutes violations of the federal criminal statutes relating to sexual exploitation of minors, child support and obscenity. Under these statutes, the Section prosecutes those who possess, manufacture, or distribute child pornography; those who sell, buy or transport children interstate or internationally to engage in sexually explicit conduct; those who travel interstate or internationally to sexually abuse children; those who sexually abuse children on federal and Indian lands; those who do not pay certain court ordered child support payments; and those who transport obscene material interstate or foreign commerce either via the mail, common carrier, cable television lines, telephone lines or satellite transmission. Section attorneys also assist United States Attorney's Offices (USAOs) in investigations, trials, and appeals related to these statutes. Additionally, CEOS attorneys provide advice on victim-witness issues, and develop and refine proposals for prosecution policies, legislation, governmental practices and agency regulations in the areas of sexual exploitation of minors, child support and obscenity for USAOs, the United States Customs Service, United States Postal Service, and FBI.</p> <p>The Computer Crime and Intellectual Property Section (CCIP), newly formed in September 1996, is responsible for implementing the Department's Computer Crime Initiative, a comprehensive program designed to address the growing global computer crime problem, including cyberattacks on critical information systems. Section attorneys work with other government officials, the private sector, academic institutions, and foreign representatives to develop a global response to the increasing threat of computer crime. Section attorneys, who resolve unique issues raised by emerging computer and telecommunications technologies, litigate cases, provide litigation support to other prosecutors, train Federal law enforcement personnel, comment upon and propose legislation, and coordinate international efforts to combat computer crime.</p>
<p>B. Factors Affecting FY 96 Program Performance.</p>	<p>Reorganization - In September 1996, Congress approved a reorganization of the Division to create the new Computer Crime and Intellectual Property Section within the White Collar Crime division unit. This Section was created with resources from the General Litigation and Legal Advice Section, which has ceased to exist. The remaining resources and responsibilities have been transferred to other Sections/Offices of the Division.</p>

C. Factors Affecting Selection of FY 97 and FY 98 Targets.

During FY 1997, the Division is developing measures to assess the percentage of defendants convicted in White Collar Crime cases. In addition, the Division is developing measures to assess the responsiveness of White Collar Crime component in fulfilling requests for legal advice and assistance. FY 1997 and FY 1998 targets are based on the Criminal Division's assessment of workload trends for the future.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNITS

NAME OF DECISION UNIT: International		PERFORMANCE INDICATOR INFORMATION				TARGETS AND ACTUAL RESULTS			
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target			
Input	1. International Positions Budgeted	138	137	146	167	188			
	2. Funds Dedicated to International	\$ 14,308	\$ 14,343	\$ 16,646	\$20,039	\$24,397			
	3. Pending Federal/State Extradition Requests	1,590	1,790	2,368	2,491	2,641			
	4. Federal/State Extradition Requests Received	639	1,094	526	550	600			
	5. Pending Incoming (Foreign) Extradition Requests	434	519	684	881	1,081			
	6. Incoming (Foreign) Extradition Requests Received	317	390	385	400	415			
	7. Pending Federal/State Mutual Assistance Requests	1,006	1,239	1,141	1,309	1,559			
	8. Federal/State Mutual Assistance Requests Received	535	486	503	550	620			
	9. Pending Incoming (Foreign) Mutual Assistance Requests	662	929	1,126	1,458	1,858			
	10. Incoming (Foreign) Mutual Assistance Requests Received	629	641	637	700	750			
Output	11. Cases Pending	-	120	131	131	145			
	12. Cases Received	-	57	48	64	76			
	13. Matters Pending	-	816	857	900	905			
	14. Matters Received	-	559	530	530	530			
	15. Federal/State Extradition Requests Closed	439	516	403	400	400			
	16. Incoming (Foreign) Extradition Requests Closed	232	225	188	200	200			
	17. Federal/State Mutual Assistance Requests Closed	302	584	535	500	525			
	18. Incoming (Foreign) Mutual Assistance Requests Closed	362	444	305	300	300			
	19. Cases Closed	-	46	48	50	61			
	20. Matters Resolved	-	318	287	325	337			
End Outcome	21. Percentage of Extradition and Mutual Assistance Requests Completed	-	-	-	-	-			
	22. Percentage of defendants convicted in cases	-	-	-	-	-			
	23. Percentage of requests for legal advice and expertise honored	-	-	-	-	-			

¹ The Division is currently developing measures to assess performance in this area.

C-

A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your program.

The Office of International Affairs (OIA) supports the Department, the U.S. Attorney's Offices, and state and local prosecution by coordinating international legal matters and policy, and by acting as the U.S. Central Authority for making all requests for international extradition and mutual legal assistance, both to, and from, the United States. OIA also serves as the Department's liaison to foreign law enforcement and prosecutorial entities including foreign ministries of justice, police offices and embassies. In concert with the Department of State, the Office is responsible for the negotiation of bilateral extradition and mutual legal assistance treaties, and the formulation of country specific and regional law enforcement strategies. OIA also participates in international organizations such as the United Nations, and the G7/78 Groups, and provides assistance to the development of multilateral treaties, studies, and similar efforts regarding international law enforcement issues.

The mission of the Terrorism and Violent Crime Section (TVCS) is to design, implement, and support law enforcement efforts, legislative initiatives, policies and strategies relating to international terrorism, domestic terrorism and domestic violent crime in coordination with other federal, state, and local law enforcement agencies, as well as appropriate foreign counterparts. This includes direct participation in the investigation and prosecution of particularly critical terrorism cases as well as in selected domestic violent crime cases. In the international arena, TVCS, working in partnership with the U.S. Attorney's Office for the District of Columbia, investigates and prosecutes extrajudicial acts of terrorism, occurring anywhere in the world, that impact significant U.S. interests. TVCS provides logistical support and advice relative to the establishment of the Alien Terrorist Removal Court and is responsible for coordinating the development and presentation of appropriate cases to that court. TVCS develops, directs, and implements the federal enforcement program to address domestic terrorism. TVCS is involved in the development, implementation, and administration of nationwide programs, such as the Anti-Violent Crime Initiative, designed to upgrade violent crime enforcement efforts generally and to address evolving violent crime problems. The Section undertakes the investigation and prosecution of selected domestic violent crime cases where appropriate due to the importance of the particular case, its multidistrict nature, or the inability of a U.S. Attorney's Office to handle the case because of a lack of expertise or refusal. Additionally, TVCS supports the efforts of field prosecutors through the provision of a broad range of legal and policy advice and assistance. TVCS provides staff support for the Death Penalty Review Committee which considers whether to seek the death penalty in appropriate cases. Pursuant to the Department of Justice Crisis Response Plan, TVCS serves as a central coordinator for the receipt and dissemination of information pertinent to ongoing critical law enforcement incidents. Additionally, TVCS develops and coordinates crisis response preparation and training, concerning for example weapons of mass destruction, in coordination with other federal agencies.

The Internal Security Section (ISS) supervises the investigation and prosecution of cases affecting national security, foreign relations, and the export of military and strategic commodities and technology. The Section has exclusive responsibility for authorizing the prosecution of cases under criminal statutes relating to espionage, sabotage, subversion, and atomic energy. ISS provides legal advice to U.S. Attorney's Offices and investigative agencies on all matters within its area of responsibility, which includes 88 federal statutes affecting national security, and coordinates criminal cases involving the application of the Classified Information Procedures Act. The Section also administers and enforces the Foreign Agents Registration Act of 1938 and related disclosure statutes.

The Office of Special Investigations (OSI) detects and identifies persons who participated in the persecution of civilian populations sponsored by the Nazis or their allies during World War II, and is responsible for all denaturalization and deportation cases involving identified persons. In the denaturalization cases, U.S. Attorneys customarily assign AUSAs to serve as co-counsel, but they rely on OSI to handle all of the investigative work and virtually all of the litigation work. OSI is also responsible for the investigation of would-be immigrants or naturalization applicants suspected of involvement with the Nazis.

<p>B. Factors Affecting FY 96 Program Performance.</p> <p>Reorganization - In September 1996, Congress approved a reorganization of the Division to create the new Computer Crime and Intellectual Property Section within the White Collar Crime decision unit. This Section was created with resources from the General Litigation and Legal Advice Section, which has ceased to exist. The remaining resources and responsibilities have been transferred to other Sections/Offices of the Division.</p>	<p>C. Factors Affecting Selection of FY 97 and FY 98 Targets.</p> <p>During FY 1997, the Division is developing measures to assess the percentage of defendants convicted in international decision unit cases. In addition, the Division is developing measures to assess the percentage of requests for legal advice and expertise met by established deadlines. FY 1997 and FY 1998 targets are based on the Criminal Division's assessment of workload trends for the future.</p>
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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Litigation Support		TARGETS AND ACTUAL RESULTS				
PERFORMANCE INDICATOR INFORMATION		1994	1995	1996	1997	1998
Type of Indicator	Performance Indicators	Actual	Actual	Actual	Target	Target
Input						
	1. Litigation Support Positions Budgeted	146	166	163	178	200
	2. Funds Dedicated to Litigation Support (Dollars in Thousands)	\$15,321	\$17,386	\$17,890	\$20,796	\$23,217
Output/Activity						
	3. Title III Applications Reviewed	1,061	1,064	1,367	1,500	1,800
	4. Consensual Monitoring Requests Reviewed	1,560	1,612	1,720	1,900	1,950
	5. Video Monitoring Request Reviewed	1,630	1,460	1,320	1,800	2,000
	6. Witness Security Applications Reviewed (Long-term)	392	356	281	306	331
	7. Witness Security Applications Reviewed (Short-term)	45	38	35	35	35
	8. Requests to Use Prisoners in Investigations Reviewed	315	331	347	350	350
	9. Witness Immunities Issued	3,279	2,776	2,802	3,000	3,500
	10. Requests for Subpoena of Attorney Reviewed	1,028	1,003	1,164	1,170	1,175
	11. Prisoner Transfer Requests Reviewed	1,710	993	1,295	1,600	1,800
	12. Gambling Registrations Reviewed	2,086	2,173	2,219	2,400	2,600
	13. Equitable Sharing Matters Reviewed	1,670	1,549	2,200	2,280	2,300
	14. Petitions for Remission Reviewed	N/A	107	189	192	203
	15. AFMLS Training Conferences Held	10	12	17	20	24
	16. Appellate Briefs in Opposition (Supreme Court)	411	270	300	300	300
	17. Other Appellate Briefs and Petitions	193	311	314	317	320
	18. Responses to Requests for Policy or Legis. Info.	N/A	N/A	172	172	172
	19. OPL Projects Completed or Initiatives Developed	N/A	N/A	71	71	71
Intermediate Outcome						
	20. Witnesses Authorized into Long-term Program	207	132	131	140	155
	21. Witnesses Authorized into Short-term Program	27	24	18	19	20
	22. Prisoner Transfers Authorized	532	244	575	600	600
	23. Convictions in AFMLS Cases	-	-	-	-	-

* The Division is currently developing measures that track convictions in AFMLS cases.

End Outcome	24. Percentage of Legal Matters and Requests Resolved by Established Deadlines/Timeframes	25. AFMLS Convictions Obtained as a Percentage of Convictions Sought	26. Percentage of Requests for Analysis and/or Assistance Completed by Established Deadlines/Timeframes						
<p>A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your programs.</p> <p>The Office of Enforcement Operations (OEO) oversees the use of the most sophisticated investigative tools at the Department's disposal, including electronic surveillance and the Federal Witness Security Program (WSP). The Office provides U.S. Attorneys' Offices and the various Criminal Division components with a wide range of prosecutorial support services, including 1) reviewing all federal electronic surveillance requests; 2) reviewing and authorizing requests to apply for court orders permitting the use of video surveillance; 3) authorizing or denying the entry of all applicants into the WSP; 4) coordinating and administering requests for United States prisoners relating to all aspects of the WSP; 5) administering the International Prisoner Transfer Program; 6) coordinating requests for United States prisoners to testify in foreign countries; 7) supervising the mechanism by which federal law enforcement officers or agents employed by the several offices of the Inspectors General may become Special Deputy U.S. Marshals; 8) coordinating requests to immunize witnesses, subpoena attorneys, or search the offices of attorneys who are suspects or targets of an investigation; and 9) serving as the Victim-Witness Assistance Coordinator for the Criminal Division, to ensure that victims and witnesses receive the rights and benefits to which they are entitled. In addition, the Office of Enforcement Operations provides legal advice to federal, state, and local law enforcement agencies on the use of the federal electronic surveillance statutes, and assists in developing Department policy on emerging technologies and telecommunications issues. The Office also assists, upon request, in the drafting of reply briefs involving electronic surveillance issues. Finally, the Office responds to requests made for disclosure of information under the Freedom of Information Act and the Privacy Act.</p> <p>The Asset Forfeiture and Money Laundering Section (AFMLS) is a recently created section within the Criminal Division representing a merger of the former Asset Forfeiture Office and the Money Laundering Section. The Section provides centralized management for the Department of Justice's Asset Forfeiture Program to ensure its integrity and maximize its law enforcement potential, while also providing managerial direction to the Department's components involved in money laundering issues. The Section initiates, coordinates, and reviews legislative and policy proposals impacting on the Asset Forfeiture Program and money laundering enforcement and serves as the Department's primary contact for Congress, other Executive Branch agencies, and state and local law enforcement agencies. The Section works with the entire spectrum of law enforcement and regulatory agencies using an interagency, interdisciplinary and international approach. The Section is mandated to: 1) coordinate multi-district investigations and prosecutions; 2) provide guidance, legal advice and assistance with respect to asset forfeiture and money laundering investigations and prosecutions; 3) develop regulatory and legislative initiatives; 4) ensure the uniform application of forfeiture and money laundering statutes; 5) litigate complex, sensitive and multi-district cases; and 6) provide litigation assistance to U.S. Attorneys' Offices and Criminal Division components. The Section oversees asset forfeiture and money laundering training; conducts seminars for federal prosecution, investigating agents, and law enforcement personnel; and produces legal publications and training materials to enhance its legal support functions. In addition, the Section adjudicates all petitions for remission or mitigation of forfeited assets in judicial forfeiture cases, administers the Weed and Seed Program, the Equitable Sharing Program, and oversees the approval of the placement of forfeited property into official use by federal agencies. (continued)</p>									

³ The Division is currently developing measures to assess performance in this area.

<p>A. Definitions of Terms or Explanations for Indicators: (Continued)</p> <p>The Appellate Section prepares draft briefs and certiorari petitions for the Solicitor General for filing in the U.S. Supreme Court; makes recommendations to the Solicitor General as to whether further review is warranted on adverse decisions in the district courts and courts of appeals; prepares briefs and argues cases in the courts of appeals; and briefs and argues motions in district courts in cases of national importance. Section attorneys assist U.S. Attorneys in preparing briefs for the courts of appeals and provide advice on the Antiterrorism and Effective Death Penalty Act, the Commerce Clause, the recent adverse Supreme Court decisions in <i>Balot</i>, <i>Gaudin</i>, and <i>Stanley</i>, and a variety of other legal issues. In addition, the Appellate Section acts as counsel to the Division's Assistant Attorney General and Deputy Assistant Attorneys General, providing legal advice on a wide range of issues and cases.</p> <p>The Office of Policy and Legislation (OPL) analyzes policy and management issues relating to criminal justice enforcement and makes recommendations to senior managers in the Division and the Department. The Office is involved in projects that require contact with U.S. Attorneys Offices, federal investigators, and other law enforcement officials. The Office develops legislative proposals, legal memoranda, and Congressional testimony; and prepares comments on pending and proposed legislation affecting the federal criminal justice system. It works closely with the U.S. Sentencing Commission and provides legal support to the Advisory Committee on Criminal Rules and Evidence of the Judicial Conference regarding the Federal Rules of Criminal Procedure and the Federal Rules of Evidence.</p>	<p>B. Factors Affecting FY 96 Program Performance. Describe reasons for any significant differences between target levels of performance and estimates of actual performance, whether positive or negative.</p> <p>Reorganization - In September 1996, Congress approved a reorganization of the Division to create the new Computer Crime and Intellectual Property Section within the White Collar Crime decision unit. This Section was created with resources from the General Litigation and Legal Advice Section, which has ceased to exist. The remaining resources and responsibilities have been transferred to other Sections/Offices of the Division.</p> <p>C. Factors Affecting Selection of FY 97 and FY 98 Targets.</p> <p>During FY 1997, the Division is developing measures to assess the percentage of defendants convicted in Appellate and Asset Forfeiture & Money Laundering cases. In addition, the Division is developing measures to assess the responsiveness of the Litigation Support Decision Unit to requests for advice, analysis and assistance. FY 1997 and FY 1998 targets are based on the Criminal Division's assessment of workload trends for the future.</p>
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**Criminal Division
Salaries and Expenses
Priority Ranking
1998**

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BASE PROGRAM

Program	Ranking
Organized Crime and Narcotics	1
International	2
White Collar Litigation	3
Litigation Support	4
Management and Administration	5

PROGRAM INCREASES

Program	Enhancement	Ranking
Organized Crime and Narcotics	Drug Strategy	1
International	International Coordination	2
White Collar Litigation	Computer Crime	3
Litigation Support	Electronic FOIA	4

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Central Division
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Year 1996-1998

Category	1996		1997		1998	
	Author- ized	Rate- Benefit	Author- ized	Rate- Benefit	Author- ized	Rate- Benefit
Attorneys (905)	427	7	644	7	20	444
Paralegal Specialists (950)	85	2	85	2	26	105
Gen. Admin. Clerical and Office Services (900-999)	152	44	152	44	13	165
Criminal Investigating Series (1811)	1	1	1	1	1	1
Accounting and Budget (900-999)	4	7	4	7	2	6
Other Legal and Related (900)	22	17	22	17	22	17
Witness Security Specialists (900)	14	1	1	1	1	1
Information and Arts Group (1600-1699)	1	1	1	1	1	1
Library and Archives Group (1600-1699)	1	1	1	1	1	1
Social Sciences, Economics and Related (150-199)	8	8	8	8	8	8
Information Management Specialists (9013)	6	6	6	6	6	6
Total	717	60	779	60	53	792
Washington	697	54	717	54	26	767
U.S. Field	17	17	17	17	17	17
Foreign Field	3	6	5	6	3	6
Total	717	60	779	60	53	792
NEW Expanded Division						
Supervisors	112	9	112	9		112
Personnel Specialists (950)	7	7	7	7		7
Budget Specialists		4		4		4
Account and Auditors	6	6	6	6		6
Acquisition Specialists	2	2	2	2		2
Procurement Staff	80	4	80	4		80

Please note the distribution of authorized positions in 1996 reflects how the Division is currently staffing positions by job category, even though there has been a general shift away from administrative, clerical, and other support services positions in favor of additional attorney positions.

Criminal Division
Salaries and Expenses
Summary of Attorney and Support Positions/Workyears
FY 1998

Appropriated Positions

	1997 Enacted			1998 Program Increases						1998 Request Level					
	Attorneys Pos.	FTE	Total Pos.	Attorneys Pos.	FTE	Total Pos.	Support Pos.	FTE	Total Pos.	Attorneys Pos.	FTE	Total Pos.	Support Pos.	FTE	Total Pos.
Decision Unit	74	75	22	74	75	22	0	0	0	74	75	22	0	0	0
Organized Crime & Narcotics	136	137	64	136	137	64	0	0	0	136	137	64	0	0	0
White Collar Crime	111	107	56	111	107	56	0	0	0	111	107	56	0	0	0
International	109	109	69	109	109	69	0	0	0	109	109	69	0	0	0
Litigation Support	16	19	82	16	19	82	0	0	0	16	19	82	0	0	0
Management and Administration	446	447	293	446	447	293	0	0	0	446	447	293	0	0	0
Total	446	447	293	446	447	293	0	0	0	446	447	293	0	0	0

Reimbursable Positions

	1997 Enacted			1998 Program Increases						1998 Request Level					
	Attorneys Pos.	FTE	Total Pos.	Attorneys Pos.	FTE	Total Pos.	Support Pos.	FTE	Total Pos.	Attorneys Pos.	FTE	Total Pos.	Support Pos.	FTE	Total Pos.
Decision Unit	0	4	0	0	4	0	0	0	0	0	4	0	0	0	0
Organized Crime & Narcotics	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
White Collar Crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
International	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Litigation Support	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Management and Administration	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	4	0	0	4	0	0	0	0	0	4	0	0	0	0

**Criminal Division
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in Thousands)**

Grades and salary range	1998 Actual		1997 Estimate		1998 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$115,700	1		1		1			
ES-5, \$115,000	4		4		4			
ES-4, \$109,000	16		16		16			
ES-3, \$103,800	6		6		6			
ES-2, \$99,300	4		4		4			
ES-1, \$94,800	2		2		2			
GS-15, \$68,300-\$90,060	350		354		369		15	
GS-14, \$59,815-\$78,991	49		53		55		2	
GS-13, \$49,865-\$64,814	36		45		49		4	
GS-12, \$41,928-\$54,506	32		34		34			
GS-11, \$34,981-\$44,775	0		7		91		20	
GS-10, \$29,541-\$36,786	0		0		0			
GS-09, \$26,812-\$37,599	35		35		41		6	
GS-08, \$26,175-\$34,032	35		35		35			
GS-07, \$23,634-\$30,726	65		65		71		6	
GS-06, \$21,268-\$27,650	8		8		8			
GS-05, \$19,081-\$24,805	4		4		4			
GS-04, \$17,055-\$22,176	2		2		2			
GS-03, \$15,193-\$19,747	0		0		0			
GS-02, \$13,923-\$17,519	0		0		0			
GS-01, \$12,751-\$16,343	0		0		0			
1998 Pay Rate & Locality Pay				1,298		1,298		1,298
1998 Pay Rate & Locality Pay						1,333		1,333
Total appropriated positions	717	47,342	739	50,529	792	54,946	53	4,417
Pay above stated annual rate	(81)	(5,242)	(87)	(4,209)	(81)	(5,146)	(14)	(937)
Lapses		(313)		(336)		(378)		(40)
Savings due to lower pay scales for part of year	638	41,948	672	46,182	711	49,835	39	3,647
Net full-time permanent								
Other than permanent:								
Part-Time Employment	75	2,492	75	2,612	75	2,740		128
Temporary Employment								0
Other personnel compensation								
Overtime	2	253	2	273	2	291		18
Administratively Uncontrollable Overtime								
Other Compensation		490		510		570		80
Special personal services payments								
Total, workyears and personnel compensation	713	45,183	749	49,587	788	53,236	39	3,679
Average ES Salary		106,750		109,089		112,033		
Average GS Salary		53,219		54,414		55,263		
Average GS Grade		12.7		12.7		12.6		

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Criminal Division
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in Thousands)

Object Class	1994 Actual		1999 Estimate		1999 Request		Increase/Decrease
	WY	Amount	WY	Amount	WY	Amount	
11.1 Full-Time Permanent	636	41,948	672	46,161	711	49,631	39
11.3 Other than FTP	75	2,492	75	2,462	75	2,740	0
11.5 Other Personnel Compensation	2	743	2	783	2	861	0
11.8 Special Personnel Services Payments	0	0	0	0	0	0	0
Total Object Class 11.0	713	45,183	749	49,357	788	53,236	39
Remunerable workyears							
Full-Time Permanent	[60]		[60]		[60]		[0]
12.0 Personnel Benefits		8,855		10,837		12,322	1,485
13.0 Benefits for Former Personnel		2		2		2	0
21.0 Travel and Transportation of Persons		2,985		3,077		3,120	435
21.0 Transportation of Things		400		447		435	35
21.0 GSA Rent		10,028		11,350		11,815	465
23.2 Rental Payments to Others		233		233		233	0
23.3 Comm. Util. & Other Misc. Charges		1,789		1,832		2,193	361
24.0 Printing and Reproduction		94		128		244	116
25.1 Consulting Services		2,460		2,569		3,076	507
25.2 Other Services		3,851		4,268		5,268	983
25.3 Purchase of Goods/Services from Gov't Accts		1,179		1,222		1,482	260
25.4 Operation & Maintenance of Facilities		95		99		170	21
25.5 Research and Development Contracts		77		80		97	17
25.6 Medical Care		343		357		433	76
25.7 Operation and Maintenance of Equipment		0		0		1	1
26.0 Supplies and Support of Person		977		994		1,090	96
31.0 Equipment		882		1,113		1,471	358
Total Obligations	713	79,433	749	88,180	788	97,448	39

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Civil Division
Salaries and Expenses
Crosswalk of 1997 QWR's
(Dollars in thousands)

Activity/Program	1997 President's Budget Request		Congressional Appropriation on 1997 Request		Transfer from SLIC Resolution Fund		Recommendation		1997 Appropriation Enacted	
	Est.	MI Amount	Est.	MI Amount			Est.	MI Amount	Est.	MI Amount
Federal Appellate										
Activity.....	76	77	\$9,371	...	...	...	...	...	76	77
Torts Litigation.....	208	207	30,530	...	...	...	...	...	205	207
Commercial Litigation.....	150	149	18,700	...	...	...	...	...	150	149
Administrative Litigation.....	35	34	3,970	...	...	...	...	...	35	34
Consumer Litigation.....	35	39	5,074	...	...	...	...	...	35	39
Immigration Litigation.....	54	62	7,493	...	...	...	...	...	54	62
Management and Administration.....	92	108	12,381	...	...	...	...	...	92	108
Total.....	928	956	130,553	...	...	...	...	...	928	956

Congressional Appropriation Actions on 1997 Request: Congress did not approve \$1,372,000 requested to restore ended base funding for Automated Litigation Support and foreign counsel services, and denied \$6,664,000 for increases.

Recommendations: This reprogramming transfers \$1,000,000 to the Commercial Litigation Branch from the Torts Branch so that urgently-needed Automated Litigation Support services can be acquired to support the government's defense of its largest Court of Federal Claims cases. The transfer will also assist in covering costs associated with transcripts and litigative consultants in big cases which will be tried in the Court of Federal Claims in the near future. In addition, it transfers \$1,004,000 to the Federal Programs Branch to bring its budget authority in line with trends in actual expenses. This reprogramming has been approved by OMB and the Congress.

Transfer from SLIC Resolution Fund: This transfer will fund costs associated with litigation arising from the enactment and implementation of the Financial Institutions Reform, Recovery and Enforcement Act. The cases are unprecedented in terms of amounts claimed as well as their size and complexity.

Civil Division
Salaries and Expenses
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1996 as Budgeted			1996 Actual			1997 Appropriation			1998 Budget			1998 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Federal Appellate Activity.....	76	77	\$8,850	76	75	\$8,821	76	77	\$8,862	76	77	\$9,114	76	77	\$9,114	...	...	...
Torts Litigation.....	205	207	26,016	205	204	24,597	205	207	27,169	205	207	27,850	205	207	28,483	...	...	\$833
Commercial Litigation.....	309	319	62,174	309	309	61,946	309	319	69,880	309	319	78,811	377	382	89,626	68	63	10,815
Federal Programs.....	150	144	16,740	150	139	16,872	150	144	17,011	150	144	17,564	154	139	18,688	4	2	304
Consumer Litigation.....	5	5	4,800	5	4	4,795	5	5	4,800	5	5	4,795	5	5	4,795	...	...	...
Investigative Litigation.....	54	24	2,954	54	16	2,629	54	62	7,083	54	62	7,285	54	62	7,285	...	...	...
Management and Administration.....	99	108	10,926	99	95	10,998	99	108	11,776	99	108	12,030	101	110	12,187	2	2	157
Total.....	928	918	132,470 ²	928	880	130,738	928	956	146,617	928	956	157,539	1,002	1,023	169,648	74	67	12,109
Releasable Workyears.....	36	36		32	32		36	36		36	36		36	36		...	...	...
Total Workyears.....	954	954		913	913		992	992		992	992		1,059	1,059		67	67	
Overhead.....	...	...		...	...		...	...		...	...		...	...		...	...	...
Total compensable workyears.....	962	962		915	915		1,000	1,000		1,000	1,000		1,067	1,067		67	67	

¹ Reduced by 38 FTE per one-time reprogramming.

² Includes transfer of \$12,105,000 from the Bureau of Prisons.

Civil Division
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Financing:	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Pos.	Net Amount	Pos.	Net Amount	Pos.	Net Amount	Pos.	Net Amount
Collections by Source:								
Office of Debt Collection.....	...	\$7,513	...	\$9,750	...	\$9,750	...	...
Department of the Navy.....	...	26,841	...	28,750	...	17,500	...	(\$11,250)
Immigration and Naturalization Service	249	...	13	...	...	...	(13)
Office of Asset Forfeiture	13	...	9	...	...	...	(9)
Department of the Air Force	1,593	...	2,000	...	3,000	...	1,000
Department of Treasury, Revenue Trust
Rand.....	...	22	...	4,028	...	24	...	...
Department of Defense, Radiation
Administration Expenses Account.....	...	11	...	12	...	12	...	...
Department of Agriculture.....	...	17	...	...	...	2,000	...	...
National Security Council.....	...	25	...	25	...	...	...	...
President's Crime Prevention Council.....	...	9	...	...	...	25	...	...
U.S. Forest Service.....	...	1	...	...	...	...	...	...
Office of the Inspector General.....	...	35	...	...	...	...	...	...
Office of the Comptroller.....	...	44	...	...	...	...	...	...
Federal Bureau of Investigation.....	...	4	...	250	...	250	...	...
U.S. Marshall Service.....
Corps of Engineers.....	...	2	...	...	...	...	...	...
Department of Interior.....	...	2,802	...	100	...	1,000	...	900
Department of Health and Human Services.....	...	250	...	3,100	...	3,184	...	84
Department of Defense.....	25	...	...	...	(25)
Budgetary Resources.....	...	31	...	36	...	36	...	...
		45,225		50,090		40,737		(9,313)

CIVIL DIVISION
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)
(continued)

	1996 Actual	1997 Estimate	1998 Request	Increase/Decrease
	Est. NY Amount	Est. NY Amount	Est. NY Amount	Est. NY Amount
Obligations by Program:				
Automated Litigation Support .....	...	\$11,813	...	...
AMCIS/SYSTON Service .....	...	13	...	...
Childhood Vaccine	22	4,028	24	4,028
Radiation Administrative Expenses	11	1,799	12	2,000
Debt Collection Activity .....	...	7,513	...	9,750
Miscellaneous .....	...	52	...	25
Total	33	\$45,225	36	\$50,050
Justification of Increase/Decrease, Automated Litigation Support:				
The net decrease is primarily due to the reduced requirement to provide automated litigation support for the A-12 cases in 1998 funded by the Department of the Navy.				
Justification of Increase/Decrease, AMCIS/SYSTON Services:				
The decrease is based on the migration of the Office of Asset Forfeiture to the Department's office automation system in 1997.				

Civil Division
Salaries and Expenses
Justification of Multi-Activity Program Changes
 (Dollars in Thousands)

Subject Activity/Program	Court of Federal Claims Litigation	
	Pos.	Amount
Federal Appellate Activity.....	...	...
Torts Litigation.....	...	...
Commercial Litigation.....	68	\$10,815
Federal Programs.....	...	...
Consumer Litigation.....	...	...
Immigration Litigation.....	...	...
Management and Administration.....	2	172
Total.....	70	\$5 10,972

Court of Federal Claims Litigation

The Civil Division requests a program increase of 70 positions, 65 workyears and \$10,972,000 to provide staffing and Automated Litigation Support (ALS) for some of its largest Court of Federal Claims cases. Of this request, the Commercial Litigation Branch requires 68 positions, 63 workyears and \$10,815,000 for the processing of cases. The remaining 2 positions, 2 workyears and \$172,000 are required to ensure effective management of this significant increase in ALS contract services.

CIVIL DIVISION

Mission

The Civil Division represents the interests of the United States, its constituent organizations and its officials and employees, in any civil or criminal matter within its responsibility and pending in any court, federal or state, which is not otherwise assigned to any other Department of Justice litigating division. It seeks to ensure that the Federal Government speaks with one voice with respect to its view of civil law while serving the diverse interests of the client agencies it represents. This balance is gained by either personally handling or by coordinating and monitoring all litigation within the Civil Division's purview.

Organizational Goals and Key Performance Information

The Civil Division's goals, as well as highlights of achievements which exemplify the impact of the Civil Division's success, follow:

Goal: To prevail on behalf of the United States in civil litigation in defense and in assertion of federal programs and policies.

- **Religious Freedom Restoration Act.** The Religious Freedom Restoration Act (RFRA) is intended to restrict the government from infringing on the free exercise of religion. It has been challenged in many contexts -- prisoners wanting special religious diets, collective bargaining disputes and more. In *Flores v. City of Boerne*, the archbishop of San Antonio contended that the City's refusal to permit expansion of a small, overcrowded church in a historic district violated the Act. The City of Boerne argued that RFRA is unconstitutional and violates the separation of powers doctrine. The circuit court agreed with the Civil Division's arguments, and found the Act to be constitutional. The case will be argued in the Supreme Court in 1997.
- **Antiterrorism.** The Antiterrorism and Effective Death Penalty Act, enacted in April 1996, will strengthen the battle against terrorism by giving the government authority to exclude or deport suspected foreign terrorists. The Civil Division's recent high-profile cases are significant not only for the international interest generated, but also for the constitutional issues addressed in the Antiterrorism statutes defended. These cases include efforts to extradite one of the international leaders of the World Trade Center bombing, a motion picture depicting the Oklahoma City bombing criminal case, *Terry Nichols v. Reno*, the ability of the Attorney General to recommend appropriate punishment for terrorists was upheld due to the successful efforts of the Civil Division.

- **Combatting Violence.** The Brady Handgun Violence Prevention Act is intended to stop felons from buying handguns by requiring a five-day waiting period and a background check. The Civil Division has defended the Brady Act against numerous constitutional challenges, arguing that Congress has the right to order background checks because of its authority to regulate commerce. Opponents have argued that the background check infringes on states' sovereignty. The Supreme Court is expected to issue its decision in 1997 in two Brady cases. Also, five attempts to invalidate the semiautomatic assault weapons ban imposed by the Crime Act of 1994 have been successfully defeated by the Civil Division.
- **Child Safety.** Cosco, a leading manufacturer of children's beds and accessory guardrails, violated the Consumer Products Safety Act for three years by failing to report to the Consumer Product Safety Commission numerous accounts of children falling from the beds. One toddler died, and the beds, risking possible strangulation. The Civil Division obtained a civil penalty of \$725,000 against Cosco.
- **Government Shutdowns.** The Civil Division successfully opposed two emergency motions for temporary restraining orders during the government shutdowns. Had the orders been granted, law enforcement, air traffic, public health and other emergency government services would have been curtailed, resulting in devastating losses to the public.

Goal: To recover money owed to the United States by prevailing in civil actions involving fraud, loan default, misuse of benefit and grant programs, contract default and unsatisfied judgments.

- **Health Care Fraud.** \$417 million was recovered in two recent health care fraud settlements: \$255 million from American Health Care of Georgia for fraud against the Medicare system and \$182 million from Laboratory Corporation of America for unnecessary blood tests billed to Medicare and other programs. Since 1987, the Civil Division, in concert with the U.S. Attorneys, has recovered a total of \$1.4 billion -- including \$50 million to whistleblowers -- in health care fraud cases.
- **Medicare Secondary Payer.** A \$25.7 million recovery was secured from 67 Blue Cross/Blue Shield companies -- a matter initiated by the companies and settled before court filing. This settlement brings total Civil Division recoveries in Medicare Secondary Payer litigation to \$88 million.
- **Contract Dispute.** The Civil Division obtained a \$32.6 million judgment against Sunitip Company, which had defaulted on forest service contracts in the mid-1980's and had resisted paying damages for over 10 years.

Goal: To protect the U.S. Treasury against unwarranted monetary claims by winning lawsuits and obtaining favorable settlements.

- Hughes Aircraft. The Civil Division prevailed in the Court of Appeals for the Federal Circuit (CAFC) when Hughes sought \$4 billion for compensation for the government's use of certain satellites which embody a patented control system. The CAFC affirmed the \$114 million judgment from the Court of Federal Claims.
- Boeing. \$1.2 billion was defeated, with no loss to the Treasury, in Boeing v. U.S. Boeing alleged that the Air Force improperly terminated the major portion of its contract to deliver air defense systems for Saudi Arabia.
- Asbestos Litigation. The asbestos manufacturer GAF Corporation voluntarily dismissed, with prejudice, its \$1.3 million suit. This success brought to a close the five-year, multi-front litigative campaign by the asbestos products industry, which had successfully attempted to shift approximately \$40 billion of their tort liability onto the federal taxpayers.

Goal: To promote statutory reforms that make civil laws understandable and meaningful to the American people.

- Civil Justice Reform. Executive Order 12988 -- Civil Justice Reform -- was signed by the President on February 5, 1996. The Civil Division had a lead role in developing the Order which requires agencies to use clear language and legal standards when writing legislative proposals and regulations. The Order also recommends the use of alternate dispute resolution and settlement conferences to resolve civil claims involving the U.S. Government.

Federal agencies are developing pro bono programs in compliance with this Order. The Civil Division has encouraged each of its employees to volunteer for 50 hours per year. Pro bono coordinators surveyed employees for interests and special skills, held a pro bono orientation program, and regularly notified employees of new pro bono opportunities. Civil Division employees worked on a variety of pro bono legal matters including child custody, abuse, mediation, dispute resolution, wills and appeals.

The Civil Division asserts the interests of the U.S. taxpayers by recovering monies and defeating unwarranted claims far in excess of its operating budget.

- Affirmative Awards. \$730 million was recovered for the government in court-imposed awards and negotiated settlements in personally and jointly handled cases disposed in 1996.

- **Collections.** While many awards and settlements require long-term servicing, collections of \$732 million, including \$746 million in cash deposits, were secured in 1996 from cases retained by the Civil Division or worked in conjunction with the U.S. Attorneys.
- **Defense Against Monetary Claims.** Defensive cases resolved in 1996 sought payouts by the government of \$3.2 billion. The Civil Division defeated 94 percent of these claims, with government losses held to \$510 million.
- **Litigation Success.** Civil Division attorneys prevailed in 91 percent of the trial and appellate cases decided by the courts in 1996.

External Factors

The Civil Division has limited control over the cases it receives. The majority of cases it retains -- cases filed in national courts (Court of Federal Claims, Court of Appeals for the Federal Circuit, Court of International Trade), cases filed in foreign courts and claims filed in connection with the Radiation Exposure Compensation Act or the National Childhood Vaccine Injury Act -- fall within the Civil Division's exclusive jurisdiction.

The remaining minority of cases are retained for reasons of economy or the need for a unity of approach. Issues of economy may relate to expertise or technological support that can most feasibly be provided by the Civil Division. Unity of approach is critical when cases (or families of cases) of national scope threaten to erode new laws, undermine law enforcement efforts or syphon huge sums of money from the U.S. Treasury.

Most of the Civil Division's cases are defensive -- requiring the Division to respond or face sanctions. The court determines the pace of the Division's litigation when it sets trial dates and discovery schedules. These factors are the major determinants of the Civil Division's work.

Civil Division
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)

	Perm. FTE	FTE	Amount
Federal Appellate Activity			
1997 Appropriation Anticipated	76	77	\$8,862
1998 Base	76	77	\$9,114
1998 Estimate	76	77	\$9,114
Increase/Decrease	...	...	...

Base Program Description

The Appellate Staff represents the interests of the United States at the highest levels of judicial review. The Staff's broad and varied litigation responsibilities include constitutional issues of individual liberties, issues of societal and collective rights exercised by the government and issues affecting national security and executive authority. The Staff handles appeals on behalf of all Civil Division components and the U.S. Attorneys Offices, as well as cases appealed directly from administrative agencies, although responsibility may be delegated to other litigating components. This arrangement provides centralized jurisdiction over appellate litigation and ensures uniform treatment of issues affecting the government.

Cases involving enormous financial stakes, new laws, major initiatives or controversial issues are often appealed and become part of the Appellate Staff's caseload. These suits include constitutional challenges to major legislation such as the recent challenges to the Prison Litigation Reform Act enacted last April. The Religious Freedom Restoration Act, the Communications Decency Act, the Violence Against Women Act and the Brady Act also have been the subject of major constitutional challenges. Legal challenges to the executive decisions and administrative policies that direct government programs -- for example, the Immigration and Naturalization Service's enforcement and interdiction policies and the Food and Drug Administration's authority to protect the public -- are handled by the Staff. In other cases, such as the landmark physician-assisted suicide litigation pending in the Supreme Court, the Staff serves as a "friend of the court."

Nearly 60 percent of the Appellate Staff's 1996 caseload was affirmative, involving government appeals of adverse judgments at the trial court or administrative level. In defensive cases, the Staff represents the government in appeals initiated by opponents who were unsuccessful in lower courts. Attorneys routinely draft memoranda to the Solicitor General and brief federal appeals. In addition, the Staff prepares and presents oral arguments before the Supreme Court and briefs federal court petitions, writs, and motions. The Staff also prepares documents for the Supreme Court, such as certiorari petitions, briefs in opposition to certiorari and merits briefs. In 1996, Supreme Court and certiorari petition litigation comprised nearly 40 percent of the Staff's workload.

In 1996, the Appellate Staff handled 2,023 cases. Attorneys spent the majority of their time, about 77 percent, litigating cases in 1996. In its role as the government's expert in court of appeals litigation, the Staff also devotes significant time to advising and assisting Civil Division litigating branches, the U.S. Attorneys Offices and client agency counsel in drafting appellate briefs and preparing oral arguments. On average, each attorney handled 36 cases and reported 26 days of unpaid overtime during 1996. The total overtime hours reported translate into six additional work years for 1996.

Case receipts are expected to grow ten percent between 1996 and 1998. Contributing to this increase are cases filed as a result of the Supreme Court's decisions in *Adarand*, which addresses agency affirmative action programs and activities, and in *Seminole*, which raises serious questions as to the constitutionality of provisions in bankruptcy law, copyright law and other federal statutes. Because of the scope of these decisions, these cases are expected to be resource-intensive. Significant litigation also is expected as a result of the recently-enacted welfare reform legislation and the statutory changes to Title VII of the Civil Rights Act of 1991. Amendments to the Equal Access to Justice Act should also contribute to workload increases as will litigation targeting the Line Item Veto Act.

Accomplishments

The Staff measures its success in protecting federal programs by tracking its win record in the court of appeals. In 1996, the Appellate Staff prevailed in 81 percent of its personally and jointly handled court of appeals cases decided by affirmations, reversals or judgments. Additionally, the Staff achieved a 70 percent win record in cases decided by affirmations and reversals (ACFR). Additionally, the Staff achieved a 70 percent success by the percent of memoranda recommending appeals of adverse judgments with which the Solicitor General agreed. This performance standard was achieved in 1996 when the Solicitor General agreed with 90 percent of the Staff's memoranda. The following victories are among the Staff's notable accomplishments:

In *"Megan's Law"* litigation, Attorney General of New Jersey and *Rod V. Foris*, the Staff participated in the successful defense of New Jersey's statute intended to protect children by requiring registration and community notification concerning released sex offenders. The Staff is participating in cases in Washington, New York and Connecticut that raise similar challenges to those states' *"Megan's Law"*.

In a key welfare reform case, *C.K. v. New Jersey Department of Human Services*, the Staff upheld a waiver granted by the Secretary of Health and Human Services allowing the State of New Jersey to implement its Aid for Families with Dependent Children (AFDC) Family Development Program. Among other features, this pilot program caps the amount of AFDC benefits by declining to provide increased benefits on the basis of additional children born while the recipient was receiving AFDC benefits.

Continuing litigation over the 1990 census resulted in several Staff victories. The Supreme Court accepted the Staff's position in *U.S. Department of Commerce v. City of New York* and ruled that the Secretary of Commerce's decision not to adjust the 1990 census to correct alleged undercounts was within his discretionary authority. In *National Law Center on Homelessness and Poverty v. Michael Kantor*, numerous cities and mayors challenged the Census Bureau's Shelter and Street Count operation, an initiative to count homeless persons at pre-identified street and shelter locations. The D.C. Circuit agreed that this action was foreclosed by the Supreme Court's decision in *Franklin v. Massachusetts* -- an earlier successful defense by the Staff.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Civil Division -- Appellate Staff GOAL: To prevail on behalf of the United States in defense and assertion of federal programs and policies.							
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS					
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target	
Input	1. Number of cases pending beginning of year 2. Number of cases received during year	664 1,511	659 1,407	626 1,397	638 1,509	647 1,532	
Output/Activity	3. Number of cases terminated during year	1,516	1,440	1,385	1,500	1,521	
Intermediate Outcome	4. Percent of memoranda to which Solicitor General agreed	93%	91%	90%	90%	90%	
End Outcome	5. Percent of closed court of appeals cases won	77%	85%	88%	70%	70%	
Productivity/Efficiency	6. Number of terminations per attorney work year	26	25	26	26	26	
A. Definitions of Terms or Explanations for Indicators:							
<ul style="list-style-type: none"> Indicators 1, 2 and 3: Case counts for these indicators were derived in a manner consistent with prior budget submissions and refer to personally and jointly handled cases. Indicator 4: These percentages are based on the number of memoranda recommending for or against appeal to which the Solicitor General agrees with the recommendations of the Appellate Staff. 							
B. Factors Affecting FY 96 Program Performance:							
<ul style="list-style-type: none"> Indicators 4 and 5: The Appellate Staff's national perspective and considerable appellate court expertise contributed to its noteworthy performance. 							
C. Factors Affecting Selection of FY 97 and 98 Targets:							
<ul style="list-style-type: none"> Indicators 5 and 6: Targets are based on the assumption that the federal courts will keep pace with current trends. Any change in court output will have an impact on the Appellate Staff's ability to meet its targets. 							

	Perm. FTEs	FTE	Amount
Torts Litigation			
1997 Appropriation Anticipated	205	207	\$27,169
1998 Base	205	207	\$27,450
1998 Estimate	205	207	\$28,683
Increase/Decrease	...	...	\$833

Base Program Description

Large-scale claims of alleged government neglect or wrongful conduct predominate the cases handled by the Torts Branch. Often, the government's involvement in the event triggering the suit is elusive. These suits frequently involve substantial monetary damages, hundreds of plaintiffs, massive discovery requirements, protracted trial schedules and arcane subject matter. When combined with the actions initiated by the Branch to recover injury and damages to government property, billions of dollars are at issue.

The enactment of the National Childhood Vaccine Injury Act and the Radiation Exposure Compensation Act (RECA) provided the Torts Branch with the former to create a program which incorporated elements of alternative dispute resolution and established an Office of Special Counsel to assist with Federal Claims to determine entitlement decisions. The latter law created a function much more akin to an administrative claim program than to litigation. (For details, see the RECA Trust Fund Budget.)

In 1996, the Torts Branch had a caseload of 3,614 cases (exclusive of RECA claims). Attorneys spent the majority of their time, over 85 percent, litigating cases. The remaining time was spent advising client agencies and the U.S. Attorneys Offices. On average, each attorney handled 25 cases and reported 43 days of unpaid overtime in 1996. The total overtime hours reported translate into over 24 additional workyears for 1996.

The Torts Branch is comprised of four sections: Aviation and Admiralty, Federal Tort Claims Act, Environmental Torts and Constitutional and Specialized Torts.

The Aviation and Admiralty Section (48 attorneys) handles cases arising from the aviation and maritime activities of the government. These are quintessential Torts Branch cases with the client being the government, the plaintiffs numerous and the discovery extensive. These suits range from maritime disaster and seaman's injury cases to commercial airline and private aircraft accident cases. National security interests are protected in cases related to military aircraft crashes, including the 1996 Air Force crash in Dubrovnik, Croatia (the "Ron Brown crash"), the 1994 "Friendly Fire Incident" over Northern Iraq and the 1992 OSPREY crash. In addition, affirmative actions to recover monies for government property damaged during maritime commerce, as well as the costs associated with maritime pollution cleanups, are an important portion of the Section's caseload.

Aviation/Admiralty Section: 1994 - 1998

	Actual 1994	Actual 1995	Actual 1996	Est. 1997	Est. 1998
Receipts	357	302	307	346	346

Through 1998, aviation case receipts are expected to increase. Additionally, as the statute of limitations approaches for several aviation accidents, additional cases are expected to be filed. The receipt projections for 1997 and 1998 may be conservative, depending on the number of cases filed relating to the May 1996 ValuJet crash in the Everglades and the July 1996 TWA crash off the coast of Long Island.

The Federal Tort Claims Act (FTCA) Section (34 attorneys) litigates a wide array of cases alleging government liability arising under the FTCA. The diversity of this caseload is noteworthy -- the 1996 caseload included claims ranging from federal regulatory activities associated with the banking industry to medical malpractice cases. AIDS-contaminated transfusions to hemophiliacs are the subject of multi-district liability litigation the Section is actively defending. Also, litigation alleging that a fatal disease is associated with human growth hormone treatment administered and funded by the National Institutes of Health is being handled by the Section.

FTCA Section: 1994 - 1998

	Actual 1994	Actual 1995	Actual 1996	Est. 1997	Est. 1998
Receipts	96	85	87	102	115

Through 1998, FTCA case receipts are expected to increase. Contributing to this growth are increased employee negligence program malpractice and medical malpractice cases. Additionally, the Federally Supported Health Centers Assistance Act of 1995 may cause a significant increase in case receipts.

The Environmental Tort Section (24 attorneys) handles environmental tort claims involving toxic waste, groundwater contamination and asbestos. The Section defends the government against claims for monetary damages resulting from alleged death, personal injury or property damage caused by environmental or occupational exposure to toxic substances. Cases involve injuries caused by air, surface water or groundwater contamination; construction programs; and environmental regulatory activity.

Environmental Tort Section: 1994 - 1998

	Actual 1994	Actual 1995	Actual 1996	Est. 1997	Est. 1998
Receipts	102	239	156	155	155

In 1995, a one-time filing of asbestos seamen's cases caused a surge in receipts. The non-asbestos torts, which equate substantially more time and from litigation expenditures have been filed on behalf of over 400 people seeking over \$2 billion. Working closely with the Department of Energy, which pursued an aggressive settlement initiative, the Section reached early resolution of 13 matters. The remaining radiation experiment cases, which include class actions and are likely to involve extensive document searches from the last 50 years, will require a significant investment of resources, as reasonable settlements are determined for worthy claimants.

The Constitutional and Specialized Torts Section (41 attorneys, excluding RECA) handles claims filed under the National Childhood Vaccine Injury Act (CVA) and the Radiation Exposure Compensation Act, and Bivens suits, in which government employees are sued as a result of performing their official duties.

The CVA established the National Vaccine Injury Program to ensure the continued supply of vaccines by protecting the vaccine industry from potentially catastrophic lawsuits. In 1986, the program received over 4,200 vaccine injury claims. In 1995, there were 71 petitions filed in new petitions filed, likely reduced by the influx of claims from persons trying to avoid application of the updated Vaccine Injury Table effective March 1995 and as a result of the expected addition of Hepatitis B, Varicella and Hemophilus Influenza Type B vaccines to the Vaccine Injury Table in 1997.

While numerically smaller, the Bivens cases are a demanding component of the Section's caseload. These cases, which can be extremely controversial and time-consuming, generally arise when plaintiffs claim that government employees -- including law enforcement officers, Cabinet members, etc -- have violated the plaintiffs' constitutional rights. In 1996, this litigation included defenses of a U.S. Ambassador and top officials of the Office of the Comptroller of the Currency.

Constitutional/Specialized Torts Section: 1994 - 1998

	Actual 1994	Actual 1995	Actual 1996	Est. 1997	Est. 1998
CVA Receipts	118	189	101	106	607
Bivens Receipts	55	58	38	52	54

Accomplishments

The Tort Branch measures its success by tracking the dollar value of claims defeated. During 1996, the Branch defeated 92 percent of dollar claims in defensive cases disposed. The Branch also achieved a goal of 90 percent under the Government Performance and Results Act (GPRA) and saving the Treasury nearly \$2 billion. The Vaccine Program terminated 31 percent of its caseload in 1996, surpassing its former target rate of 15 percent. The chart that follows documents the Branch's past performance and targets through 1998.

Nearly \$5 million was awarded in affirmative admiralty cases, ranging from damage to government cargo in *M/V IRON WORKER* to environmental pollution in *Santa Clara*. In aviation litigation, \$14 million in claims were defeated in *Aero Union* when the government was absolved of liability. Attorneys also used alternative dispute resolution to resolve claims against the government related to the midair collision in Stockton, California, and the 1990 crash of two Northwest Airlines aircraft at Detroit Metropolitan Airport.

In litigation filed under the FTCA, claims made in *McDaniel* were dismissed. The plaintiffs sought compensation for property damage caused by a southern pine beetle infestation that spread from federal wilderness land onto private land. In *Linsparde*, the plaintiff sought additional payments by the government for the death of a child. The defendant sought a settlement of the child's estate. The settlement became insolvent. The Court adopted the Branch's position that the United States had complied with its obligations under the settlement by purchasing the annuity and that an order requiring an additional payment would violate the FTCA's lumpsum provision.

In environmental tort litigation, the Supreme Court held in *Hercules* that in contracting to purchase Agent Orange during the Vietnam War, the federal government did not agree to indemnify manufacturers for any tort payments they might later make to those exposed to their products. Following this decision, the last Agent Orange plaintiff voluntarily dismissed its \$25 million complaint, thereby ending six years of litigation by members of the Agent Orange industry attempting to shift their tort liability costs onto federal taxpayers. In the cases *Elliott*, *Langstaff* and *Aragon*, over \$30 million in unwarranted environmental tort claims were dismissed.

In *Bivens* litigation, the Ambassador to Paraguay, Robert Service, was successfully defended from a claim by Investor's Resources, alleging that the Ambassador had made slanderous remarks about its business activities in Paraguay. In *Berger v. Hanlon*, Fish and Wildlife Service agents and an Assistant U.S. Attorney, who allowed CNW to film the execution of a search warrant on the plaintiffs' ranch, were successfully defended from the ranchowners' \$10 million suit.

In a significant vaccine appeal, *O'Connell v. Shalala*, the authority of the Secretary of the Department of Health and Human Services to make rules modifying the treatment of medical issues under the Vaccine Program was defended. This will enable the Secretary to promulgate additional regulations consistent with medical developments in the future. Additionally, the government has saved millions of dollars in the successful litigation of unwarranted claims alleging that the rubella vaccine caused the arthritic-like condition, fibromyalgia syndrome.

Program Increase

National Childhood Vaccine Injury Compensation Program		Amount
1997 Availability	...	...
1998 Base	...	\$ 833
1998 Estimate	...	\$ 833
Increase		\$ 833

In the past, the Civil Division has spent substantially more on its Vaccine Program than the amount authorized for reimbursement. By 1998, the program will cost \$4,861,000 compared with reimbursement authority of \$4,028,000. Continued subsidization of the Vaccine Program is not possible given the lack of growth in the GLA budget and the successive cost absorptions that have been levied on the litigating components. An increase of \$833,000 is required.

Three new vaccines are expected to be added to the Vaccine Injury Table in 1997, Hepatitis B, Varicella, and Hemophilus Influenza B. These additions could add 1,000 to 2,000 new claims over the next several years, with as many as 500 new claims expected in 1998. As a result, each attorney is likely to be assigned an average of 50 cases.

The sharp rise in expected cases underscores the need for full funding for the Vaccine Program. Absent an increase, hiring will be curtailed; staffing levels will fall; the backlog of cases will mount. An increase of \$833,000 is needed to ensure that cases are adjudicated timely and that only worthy claimants are compensated, preserving limited funds for deserving parties.

As an alternative to increasing the Civil Division base by the amount of the projected shortfall, the reimbursement authority could be increased to \$4,861,000.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Civil Division -- Torts Branch						
GOAL: To protect the U.S. Treasury against unwarranted monetary claims by winning lawsuits and obtaining favorable settlements.						
Type of Indicator	PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS			
	Performance Indicators		1994 Actual	1995 Actual	1996 Actual	1998 Actual
Input	1. Number of cases pending beginning of year		4,077	3,457	2,925	2,357
	2. Number of cases received during year		728	893	689	1,281
Output/Activity	3. Number of cases terminated during year		1,348	1,425	989	1,009
Intermediate Outcome	4. Percentage of dollar claims defeated in closed cases		94%	95%	92%	90%
End Outcome	5. Dollars defeated (in millions)		\$2,480	\$3,623	\$1,755	\$2,021
Productivity/Efficiency	6. Total dollars defeated per attorney workyear (in millions)		\$16.6	\$24.1	\$12.9	\$15.9
	7. Percentage of Childhood Vaccine caseload terminated		23%	32%	33%	30%
A. Definitions of Terms or Explanations for Indicators:						
<ul style="list-style-type: none"> Indicators 1, 2 and 3: Case counts for these indicators were derived in a manner consistent with prior budget submissions and refer to personally and jointly handled cases. Indicator 1: The decline in the number of cases pending reflects the diminution of the backlog of Childhood Vaccine cases. Indicator 7: Caseload refers to the sum of cases pending at the beginning of the year and the number of new cases received during the year. 						
B. Factors Affecting FY 96 Program Performance:						
<ul style="list-style-type: none"> Indicator 3: The 1995 statistic includes an unusually high number of Childhood Vaccine terminations, which was the culmination of an accelerated preliminary review process implemented by the court in November 1993. In 1996, the number of Childhood Vaccine terminations returned to historical levels. Indicators 5 and 6: The decrease in 1996, when compared to 1995, reflects the decreased number of defensive terminations. In addition, these indicators are driven externally, by the monetary amounts asserted by the plaintiffs. Plaintiffs in the average defensive case closed in 1996 sought \$2.0 million, whereas the average sought in 1995 was \$2.8 million. 						

C. Factors Affecting Selection of FY 97 and 98 Targets

- Indicator 4: Torts suits are among the largest and most resource-intensive suits handled by the Civil Division. They can involve huge numbers of claimants, enormous collections of documentary evidence and lengthy time frames. The events precipitating these suits are largely exogenous to the Civil Division. However, as long as budget resources allow the Civil Division to maintain the infrastructure vital to the success of these massive cases, these performance targets should be attainable.
- Indicators 5 and 6: The targets are based on the average amount sought in defensive cases closed in 1994 through 1996.
- Indicator 7: In 1998, the influx of vaccine cases will necessitate a lower target termination rate.

	Perm. Pos.	FTE	Amount
Commercial Litigation			
1997 Appropriation Anticipated	309	319	\$69,880
1998 Base	309		\$78,811
1998 Estimate	377	382	\$89,626
Increase	68	63	\$10,815

Base Program Description

The Commercial Litigation Branch represents the United States in litigation arising from billions of dollars of buying, selling, lending and other transactions. In 1996, the majority of these cases, 83 percent, were defensive. The affirmative caseload involved actions to recoup for the government billions of dollars lost through fraud, bankruptcies and loan defaults. The total caseload during 1996 was 11,851 cases, a 20 percent increase over 1995. Over \$45 billion was at issue in the 1996 caseload.

In 1996, Commercial Litigation Branch attorneys spent over 90 percent of their time litigating cases. On average, each attorney handled 54 cases and reported 45 days of unpaid overtime during 1996. The total overtime hours reported translate into 38 additional workyears for 1996.

The Commercial Litigation Branch is comprised of five sections: Court of Federal Claims/Court of Appeals for the Federal Circuit/Court of International Trade (CFC), Fraud, Corporate/Financial, Foreign Litigation and Intellectual Property.

The CFC Section (106 attorneys) is the largest of the five sections and handles complex contract disputes brought in the Court of Federal Claims, as well as appeals to the Federal Circuit (CAFC) and claims brought in the Court of International Trade.

Included in the caseload are some of the Civil Division's most resource-intensive, high-stakes cases: the McDonnell Douglas A-12 Stealth Fighter case, the Alaska Pulp and Ketchikan Pulp timber claims, and the Bath Iron Works, Gunship and ISSM military contract disputes are just a few examples. Each of these cases is expected to place significant demands on resources through 1998. These cases epitomize the complex, fact-intensive nature of the litigation typically handled by the CFC Section. Many of these cases require the full-time attention of not just one or two attorneys, but whole teams of attorneys. For example, the A-12 case consumed 25 attorney workyears in 1996. A-12 will continue to demand significant attorney resources through 1998.

Concurrently, the Section is facing massive litigation associated with the 121 Wingstar savings and loan claims. The risk to the government, if these claims are lost, could exceed \$18 billion. These claims involve over 400 financial institutions throughout the United States, multiple government agencies, 60 opposing counsel and over one billion pages of potential government evidence. Discovery requirements for these cases are likely to surpass those of any other case ever encountered by the Civil Division.

400

Court of Federal Claims/Court of Appeals for the Federal Circuit/Court of International Trade: 1994 - 1998

	Actual 1994	Actual 1995	Actual 1996	Est. 1997	Est. 1998
Litigation Area					
CFC Receipts	681	912	678	734	816
CAC Receipts	738	804	526	780	780
CIF Receipts	876	1,536	2,804	2,919	2,919
Section Subtotal	2,295	3,252	4,008	4,533	4,515

Other CFC cases include bid protests, fraud counterclaims, conflicts arising under the takings clause of the Constitution and claims for relief under the Civil Liberties Act. In August 1996, the General Services Administration (GSA) bid protest jurisdiction was eliminated as a portion of the GSCA suite may be filed in the Court of Federal Claims and may further contribute to an increasing caseload.

Court of Appeals for the Federal Circuit litigation includes appeals from the Court of Federal Claims involving procurement and personnel matters; appeals of decisions rendered by the Merit Systems Protection Board (MSPB), agency contract appeals boards, and the Court of Veterans Appeals; and a limited number of appeals from federal district courts. In 1996, the combined caseload in the Court of Federal Claims and the CAFC totaled 2,902 cases.

This section also represents the United States in Court of International Trade cases (except those involving the International Trade Commission) and in subsequent appeals to the CAFC. Litigation involves disputes over import duties, trade agreements, tariff classification and valuation of imported merchandise, collection of import duties and a variety of other actions affecting the administration of the customs laws of the United States. The CIR caseload totaled 6,159 cases in 1996 -- a 56 percent increase over 1995. This significant growth resulted from filings protesting an increase in the harbor maintenance fee (HMF) and from the implementation of the Customs Modernization Act of 1993. It is expected that caseload in 1997 will be over 7,000 and that in 1998 will be over 8,000. The CIR also handles appeals from the Uruguay Round Agreements Act and the Customs Modernization Act of 1993. In 1996, the CIR received 1,000 international trade receipts of over 2,900 annually through 1998 -- nearly double the 1995 level.

With a caseload in excess of 9,000 cases, the CRC Section is pushing the limits of its current capacity. Each attorney is assigned an unprecedented number of cases -- an average of 85 cases per attorney. Not surprisingly, Section attorneys contribute extraordinary amounts of personal time to the job -- in 1996, the average attorney worked an average of 31 days a year per attorney. The 121 Winter cases are placing even further demands on the Section's strained resources.

Another rapidly expanding portion of the fraud caseload is comprised of cases filed on behalf of the Government by private citizens known as "relators," under the 1986 qui tam amendments to the False Claims Act. In return for exposing fraud against the government, relators are allowed to share in recoveries resulting from these cases. While constituting just four percent of the fraud caseload in 1989, qui tam cases comprised over 40 percent of the fraud caseload in 1996 and are expected to comprise a similar portion of the caseload through 1998.

Fraud Section: 1994 - 1998

	Actual 1994	Actual 1995	Actual 1996	Est. 1997	Est. 1998
Receipts	369	362	348	715	730

The corporate/financial caseload totaled 317 cases in 1996. While the Section in recent years has experienced a decline in banking cases involving receiverships and bankruptcies, receipts are expected to increase significantly in 1997 and 1998 due to an expected upsurge in bankruptcy filings by Medicare providers and electric cooperatives.

Corporate/Financial Section: 1994 - 1998

	Actual 1994	Actual 1995	Actual 1996	Est. 1997	Est. 1998
Receipts	116	108	75	113	135

The Office of Foreign Litigation (4 attorneys) represents the interests of the United States in foreign courts. The section is responsible for the representation of the United States in foreign courts and is headed by the Civil Division. The Office's jurisdiction is broad, covering the United States in lawsuits in 100 countries. Supervision of European litigation is conducted by an overseas office in London. In 1996, the majority of the Section's 1,217 cases -- 68 percent -- were defensive and covered a wide range of commercial and tort cases. Affirmative litigation involves financial and health care fraud, bid-rigging, student and medical school loan defaults, landlord-tenant matters and admiralty and shipping suits. The Office also conducts foreign asset searches, particularly in connection with financial institution cases.

Office of Foreign Litigation: 1994 - 1998

	Actual 1994	Actual 1995	Actual 1996	Est. 1997	Est. 1998
Receipts	214	232	257	275	290

The 1997 and 1998 receipt estimates are driven by labor suits expected to be filed by foreign national employees of international agencies and U.S. embassies in response to downsizing activities.

The Intellectual Property Section (14 attorneys) handles a wide variety of litigation involving patents, trademarks, copyrights, trade secrets and other related matters. These cases are extremely complex, requiring extensive technical and legal analysis of each asserted patent and each accused system or device. Attorneys defend the government in patent and copyright infringement suits, as well as in legal challenges to actions of the Register of Copyrights.

Affirmative litigation enforces government-owned patents, seeks to assign patents to the government for inventions arising from government-sponsored research, enforces patent indemnity agreements, cancels patents issued as a result of fraud and enforces the deposit requirements of the Copyright Law on behalf of the Library of Congress. In addition, the workload includes a variety of administrative proceedings before the Patent and Trademark Office. The Intellectual Property caseload totaled 97 cases in 1996.

Intellectual Property Section: 1994 - 1998

	Actual 1994	Actual 1995	Actual 1996	Est. 1997	Est. 1998
Receipts	25	42	33	32	34

Accomplishments

The Commercial Litigation Branch tracks the outcome of monetary claims to measure its success. In defensive litigation, the target is to defeat at least 75 percent of the amount sought in 70 percent of the cases resolved. In 1996, the Branch achieved this target while defeating \$6.2 billion in claims. Although the majority of this amount was defeated in two cases, the Hughes appeal and Boeing, over \$1.1 billion was defeated in other cases -- nearly a threefold increase over the 1995 total. In affirmative cases, the Branch won \$95 million in 1996. The chart which follows documents the Branch's past performance and future targets through 1998.

The Commercial Litigation Branch protected the Treasury against unwarranted claims and recovered money owed to the United States in a variety of recent cases:

Successes in CFC defensive litigation included \$88 million in a contract dispute filed by Ameriex against the Defense Logistics Agency, \$37 million in Wells Fargo Bank and a \$12 million in Massachusetts Bay Transit Authority. The CFC also won a \$10 million judgment in a contract dispute with the U.S. Army Corps of Engineers. The CFC also won a \$10 million judgment in a contract dispute with the U.S. Army Corps of Engineers. The CFC also won a \$10 million judgment in a contract dispute with the U.S. Army Corps of Engineers.

More than \$318 million in fraud recoveries -- including \$22 million for relators -- was secured in 1996 by the Branch working in conjunction with U.S. Attorneys. Successful procurement fraud settlements included a \$555.7 million agreement with Philips Electronics North America Corporation to settle claims that Philips the government improperly tested electronic devices used in a number of military and aerospace systems. The corporation paid \$10.2 million to settle fraudulent overcharging claims on F-100 jet engines parts. This recovery was in addition to the \$19.5 million paid in 1995 to settle related claims. A \$13 million settlement from PMC Corporation resolved a qui tam suit alleging that inflated spending plans for bid proposals and research and development projects were submitted to the Army.

Over \$120 million was recovered in health care fraud cases in 1996, including \$11 million for relators. An additional \$11 million settlement for unnecessary blood tests was the result of a qui tam suit filed against Metpath, Inc., a laboratory in Westborough, Mass. A \$10 million settlement was secured from U.S. Surgical Corporation, a supplier of medical instruments and equipment. The company falsely certified to the Department of Veterans Affairs and the Defense Logistics Agency that it had provided the government with accurate information on its most expensive products. The company was fined \$10 million and given a permanent injunction against future fraud. The company also agreed to give discounts and more favorable terms to other customers.

Nearly \$420 million was secured in corporate/financial litigation in 1996, including \$237 million in SovLend, Power Cooperative, a settlement of a Rural Utilities Service claim, and \$41 million in Armada Realty, a Department of Housing and Urban Development mortgage case. Bankruptcy recoveries included an additional \$18.2 million in Pan American World Airways, bringing the total recovered in the case to over \$48 million. Student loans valued at \$5 million became enforceable when the court rendered judgment in the government's Shorger v. Riley. To defend against a \$1 billion claim in Tenaska, WA Partners II, the Branch successfully enforced Bonneville Power Administration's arbitration agreement.

Foreign litigation recoveries totaled \$8.5 million in 1996. Included was a \$2 million settlement from the collision of the Italian merchant ship PQ with the U.S. Navy's BOWDITCH in the Rio de Janeiro harbor and a \$1.1 million settlement for salvage services provided by the Navy tugboat BEAUFORT to two tankers which collided and caught fire in the South China Sea. In *U.S. v. Ivey*, the Court of Appeals for Ontario affirmed the recognition and enforcement of a \$4.6 million "Superfund" judgment. This is the first time that a foreign court has recognized and enforced a U.S. environmental judgment entered under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Program Change

	Perm. FTE	FTE	Amount
Court of Federal Claims Litigation			
Transfer from FSLIC Resolution Fund.....	...	...	\$33,700
Program Increase.....	68	62	10,815
Total.....	68	34	\$44,515

The Civil Division is defending claims arising from the enactment and implementation of the Financial Institution Reform, Recovery and Enforcement Act. The cases are unprecedented in terms of amounts claimed as well as their size and complexity. With a quelling trial schedule set for 1998 and expected to continue at least through the year 2000, a program increase of 68 positions (60 attorneys and 8 support staff), 63 FTE and \$10,815,000 is required to provide staff for an adequate defense and support for the support activities. Under the provisions of this litigation, the Civil Division is required to provide trial preparation, consultants and transcripts -- a transfer of \$33,700,000 is required from the FSLIC Resolution Fund.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Civil Division -- Commercial Litigation Branch						
GOALS: 1. To protect the U.S. Treasury against unwarranted monetary claims by winning lawsuits and obtaining favorable settlements.						
2. To recover money owed to the United States by prevailing in civil actions involving fraud, loan default, misuse of benefit and grant programs, contract default and unspecified judgments.						
• Adequate funding will enable the Civil Division to meet its responsibilities for conducting litigation that should be retained centrally, while providing the requisite staff to use its responsibilities for monitoring cases.						
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
Input	1. Number of cases pending beginning of year	5,691	5,840	7,130	9,521	12,370
	2. Number of cases received during year	3,019	3,996	4,721	5,658	5,764
Output/Activity	3. Number of cases terminated during year	2,870	2,706	2,330	2,809	2,932
Intermediate Outcome	4. Percent of defensive cases in which the Branch defeated 75 percent or more of the claim	78%	80%	70%	70%	70%
	5. Percent of affirmative dollar claims won	84%	95%	51%	80%	80%
End Outcome	6. Total amount of claims defeated (in millions)	\$4,296	\$393	\$6,201	\$704	\$706
	7. Total amount of relief awarded (in millions)	\$1,169	\$685	\$695	\$707	\$856
A. Definitions of Terms or Explanations for Indicators:						
• Indicators 1, 2 and 3: Case counts and dollar amounts for these indicators were derived in a manner consistent with prior budget submissions and refer to personally and jointly handled cases.						
• Indicator 6: The 1994 results included \$1.9 billion defeated in the trial of the Hughes patent case.						
• Indicator 7: The 1994 results included \$324 million awarded in the National Medical Enterprises (NME) fraud case.						
B. Factors Affecting FY 96 Program Performance:						
• Indicators 1, 2 and 3: The influx of harbor maintenance fee cases began in 1995 and continued in 1996. These cases have been stayed pending the outcome of the lead case. Thus, terminations are proportionately lower and the number of cases pending increased significantly.						
• Indicator 5: Includes Soyland Power Cooperative, a \$237 million settlement of a \$700 million restructured loan from the Rural Utilities Services. This recovery was well above the liquidation value of the utility's assets or the likely value achievable in a Chapter 11 reorganization. By avoiding bankruptcy, the government was able to collect a larger amount, and much sooner, than would have been possible under bankruptcy proceedings. Excluding the Soyland settlement, the percentage of affirmative dollar claims won in 1996 would have been 87 percent.						

<ul style="list-style-type: none"> ● Indicator 6: The 1996 results include \$3.9 billion defeated in the Hughes appeal and \$1.2 billion defeated in the Boeing contract claim. Excluding these mega-cases, over \$1.1 billion was defeated in Commercial Branch cases.
<p>C. Factors Affecting Selection of FY 97 and 98 Targets:</p> <ul style="list-style-type: none"> ● Indicators 1, 2 and 3: These targets assume that harbor maintenance fee cases will continue to be filed at the present rate and will be stayed, thereby contributing to a growing pending caseload. ● Indicator 6: The 1997 and 1998 targets are based on 1994-1996 data, exclusive of Hughes and Boeing which are considered outliers (i.e., significantly higher than the average claim defeated). The projections do not attempt to quantify the impact of the Winstar case family nor of the A-12 case. With respect to Winstar, estimates of dollars at issue have varied from \$2 billion to \$18 billion. Until the litigation unfolds and the kinds of damages and the extent of the damages are assessed, the projections will not include Winstar cases. With respect to A-12, no final disposition is expected until 1998 or beyond. ● Indicator 7: The 1997 and 1998 targets are based on 1994-1996 data, however, the \$324 million recovered from NME in 1994 is considered an outlier and was excluded. These targets reflect recoveries from health care fraud cases arising from the implementation of the Health Insurance Portability and Accountability Act of 1996.

	Perm. Pos.	FTE	Amount
Federal Programs			
1997 Availability	150	144	\$17,031
1998 Base	150	144	\$17,504
1998 Estimate	154	146	\$17,808
Increase/Decrease	4	2	304

Base Program Description

The Federal Programs Branch defends the officers and agencies of the United States Government in a wide variety of suits challenging the constitutionality and legality of federal statutes, programs and initiatives. While the vast majority of its cases are defensive, the Branch also initiates affirmative litigation to enforce federal laws and regulations.

High-visibility cases that present important constitutional, statutory and regulatory issues typify the Branch's cases. Recently, litigation has involved some of the most probing issues of our time -- gun control, welfare reform, separation of church and state, prison litigation reform and sexual harassment in the workplace. Currently, the Branch is defending the civil rights section of the Violence Against Women Act (VAWA). VAWA grants all persons the right to be free from gender-motivated violence and also grants the victims of such crimes the right to obtain civil remedies against their attackers.

Specialized statutes, such as the Freedom of Information Act, the Privacy Act, Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Equal Pay Act and the Federal Advisory Committee Act are the subject of suits handled by the Branch. The defense of challenges arising under the Constitution, the Administrative Procedures Act and other statutes of general applicability comprise a significant portion of the caseload.

In affirmative litigation, federal statutes and regulations are enforced by initiating actions on behalf of federal agencies. The Branch represents agencies in civil actions to enforce the Ethics in Government Act against present and former federal officials, seeks judicial enforcement of Inspector General subpoenas and litigates civil penalty actions under a variety of federal statutes, including the National Highway Traffic Safety Act.

In 1996, 85 percent of the Branch's 883 cases were defensive. Attorneys spent the majority of their time, nearly 89 percent, litigating cases in 1996. The remainder of the attorneys' time was spent advising client agencies and the U.S. Attorneys Offices. On average, each attorney reported 31 days of unpaid overtime in 1996. The total overtime hours reported translate into more than 13 additional workyears for 1996.

Federal Programs cases are often labor-intensive. This caseload is expected to increase through 1998. Following the enactment of the Telecommunications Act of 1996, several suits were filed, charging that the "indecentcy" provision unconstitutionally limits free speech. While an unfavorable decision was appealed

directly to the Supreme Court, the Branch continues to defend the Act in such challenges. Cases against the Department of Housing and Urban Development are increasing, as are suits involving the defense of the Civil Rights Act of 1991.

Accomplishments

The Branch measures its success by tracking the number of closed trial cases in which federal programs and plaintiffs successfully defended, or remedies for statutory violations of federal programs were enforced. The viability of federal programs and the success of the Branch's target under the Government Performance and Results Act (GPRA). However, the full value of these successes is difficult to quantify as many Federal Programs suits seek declaratory and injunctive relief which indirectly affects billions of dollars in federal funds. The chart that follows documents past performance and targets through 1998. Recent successful defenses of federal statutes and policies include:

The incarceration of illegal alien prisoners was the subject of suits brought by the states of Washington and California. Plaintiffs claimed that the 1994 Crime Bill required the Attorney General to take custody of the states' illegal alien prisoners or to reimburse the states for the costs of their incarceration. The Federal Government was successfully defended, based on arguments that the Attorney General's duties were dependent upon adequate appropriations to pay for those activities.

In VAWA litigation, the court agreed with the Branch's arguments in *Doe v. Doe*, finding that Congress has authority to regulate interstate commerce and VAWA's civil remedies provisions are the substantial impact of gender-motivated violence on interstate commerce. Subsequently, the plaintiffs in *Doe v. Doe* sought a settlement to her VAWA claim. Although the court in *Brinkley v. Virginia Polytechnic Institute* held that the Act exceeded Congress' power under the Commerce Clause and the Fourteenth Amendment, the decision is being appealed.

Provisions of the Cable Consumer Protection and Competition Act of 1992 were defended against constitutional challenges by the cable television industry. In *Turner Broadcasting System v. U.S.*, after extensive discovery and fact-finding on remand from the Supreme Court, the district court upheld the Act's mandate that cable operators carry certain broadcast stations on their cable systems.

In *Alvaredo Community Hospital et. al. v. Shalala*, plaintiff hospitals sought several hundred million dollars because of a provision in the Medicare Act that provides for additional Medicare payments for outlier patients whose illnesses require an extraordinarily lengthy or costly hospital stay. The court accepted the Branch's argument that the statute requires outlier thresholds to be set in advance of each fiscal year, and makes no provision for retroactive adjustments if payments ultimately fall below the level specified.

Several foreign trading partners, including the European Economic Union, stated their intent to embargo all American wheat purchases unless the Department of Agriculture was able to certify its actions quarantining wheat affected by the kernal bunt fungus. The successful defense of the Department of Agriculture's actions prevented the embargo.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Civil Division -- Federal Programs Branch GOAL: To prevail on behalf of the United States in civil litigation in defense and in assertion of federal programs and policies.						
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
Input	1. Number of cases pending beginning of year	496	530	497	586	660
	2. Number of cases received during year	416	319	386	414	458
Output/Activity	3. Number of cases terminated during year		352	297	340	300
Outcome	4. Percentage of closed trial cases resulting in favorable outcomes for the United States	89%	84%	89%	80%	80%
Productivity/Efficiency	5. Percentage of caseload terminated	42%	42%	34%	34%	34%
A. Definitions of Terms or Explanations for Indicators:						
<ul style="list-style-type: none"> Indicators 1, 2 and 3: Case counts for these indicators were developed in a manner consistent with prior budget submissions and refer to personally and jointly handled cases. Indicator 4: Cases resulting in "favorable outcomes" are cases in which the government successfully defended against challenges to federal programs, policies and initiatives and/or enforced remedies for statutory violations of federal programs. Indicator 5: Caseload refers to the sum of cases pending at the beginning of the year and the number of new cases received during the year. 						
B. Factors Affecting FY 96 Program Performance:						
<ul style="list-style-type: none"> All Indicators: The Branch's extensive expertise in coordinating cases of national importance contributes to its noteworthy performance. 						
C. Factors Affecting Selection of FY 97 and 98 Targets:						
<ul style="list-style-type: none"> Indicator 2: The target levels selected for 1997 and 1998 reflect moderate growth for the Branch. However, these target levels are subject to change, as the Federal Programs Branch can be called on at any time to defend any number of congressional enactments or Administration policies. Indicator 5: Due to the increase in labor-intensive cases involving the Telecommunications Act, HUD and the Civil Rights Act, the target termination rate has been lowered to 34 percent. 						

	Perm. FSA	FTE	AMOUNT
Consumer Litigation			
1996 Appropriation Anticipated	35	39	\$4,816
1998 Estimate	35	39	\$4,945
1998 Estimate	32	32	\$4,332
Increase/Decrease	...	...	...

Base Program Description

The Office of Consumer Litigation safeguards the public by enforcing federal consumer protection laws, such as the Food, Drug and Cosmetic Act, the Consumer Product Safety Act and the Federal Trade Commission Act. In particular, the Office seeks to safeguard consumers who are unable to protect themselves from dangerous or worthless products and from unfair and deceptive trade practices.

Consumer litigation is primarily affirmative. Many of these cases involve fraud perpetrated by manufacturers and distributors of unapproved drugs and medical devices. Others involve fraud that endangers unsuspecting consumers and exploits billions of dollars from them each year through adulterated and misbranded foods, hazardous and unsafe household products, automobiles with rolled-back odometers, unfair credit practices and deceptive advertisements and sales.

The reinvigorated enforcement efforts of the Office's largest client, the Food and Drug Administration (FDA), has changed the case mix. Affirmative cases are more labor-intensive and nationwide in scope. Rather than pursuing a high volume of small-time offenders, the FDA targets large corporations and industries that violate consumer protection statutes. Consequently, the FDA's opponents, who are very well-financed, contest enforcement to the highest levels of judicial review since their potential losses far outweigh even extensive legal costs. Defensive litigation -- when FDA policies are challenged in court -- has become extremely complex and resource-intensive.

The FDA's approach to tobacco enforcement exemplifies this trend. The FDA implemented regulations that will significantly limit children's access to tobacco and advertising that targets young people. The new regulations ban billboards for tobacco products within 1,000 feet of school grounds and playgrounds, ban cigarette vending machines in locations that minors are permitted, and limit advertising in youth-directed magazines. Before the new regulations even became final, several tobacco companies and advertisers sued the government; the Office of Consumer Litigation successfully defended their claims. Following the implementation of the regulations, the litigation burden on the Office continues to defend the government. This litigation has been and will continue to be lengthy, demanding and labor-intensive.

Other defensive litigation involves challenges to the FDA's food labeling and drug manufacturing requirements. The Office has defended numerous challenges to FDA's Health Claims Regulation in district and appellate courts. This regulation was promulgated under the Nutritional Labeling and Education Act of 1994, which requires health claims about foods and dietary supplements to meet scientific standards. In addition to the FDA, client agencies include the Federal Trade Commission, the National Highway Traffic Safety Administration and the Consumer Product Safety Commission.

In addition to litigating cases, the Office provides guidance on consumer protection law to various state and federal agencies. For example, under a current initiative, state motor vehicle agencies are provided with training and computer software to streamline odometer investigations. As a result of this effort, new odometer cases increased nearly fourfold between 1995 and 1996 and are expected to remain high through 1998.

Receipts totaled 212 cases in 1996, of which 185 were affirmative cases. The large number of affirmative case receipts was spurred by the revitalized enforcement efforts of the FDA. Through 1996, the complex, time-intensive, long-term cases are expected as a result of the FDA's change in enforcement philosophy.

The Consumer Litigation caseload totaled 641 cases in 1996, an average of 21 cases per attorney. Attorneys spent the majority their time, about 84 percent, litigating cases in 1996. Most of the remaining time was spent advising state and federal agencies and the U.S. Attorneys Offices. Attorneys reported an average of 49 days of unpaid overtime. The total overtime hours reported translate into six additional workyears for 1996.

Accomplishments

To measure its performance, the Office tracks the number of affirmative cases in which injunctive or monetary relief was obtained and the number of defensive cases in which an agency's policies or programs were defended. In 1996, the Office was successful in 96 percent of cases closed. In addition, \$19.4 million in criminal fines and civil penalties was obtained.

Several victories of national importance follow:

Ten million in criminal fines was secured after Warner-Lambert pleaded guilty to a felony violation of the federal Food, Drug, and Cosmetic Act. Warner-Lambert had fraudulently concealed from the FDA drug stability problems -- a tendency of the drug to break down chemically, leading to inconsistent strength. The drugs involved were a popular anti-seizure medication, Dilantin, as well as the thyroid medications Euthroid and Proloid, and an anti-Parkinsonism drug, Parsidol. While numerous generic drug manufacturers have been prosecuted, this was the first fraud conviction of a brand name pharmaceutical company.

The largest civil penalty ever collected for violations of a consumer protection administrative order, \$2.75 million, was paid by Bahlberg, Inc. in the Miracle Ear litigation. Bahlberg violated an FTC order that precluded falsely advertising that the Miracle Ear had the capacity to eliminate background noise and enable the hearing-impaired user to receive only amplification of conversational sounds.

A doctor was convicted of falsifying laboratory test results on food exposed to smoke and various volatile chemicals, thereby allowing over \$2 million worth of contaminated food to be released and sold to the public. The doctor is now serving a two-year prison sentence.

International drug counterfeiters who conspired to smuggle counterfeit and misbranded human and animal drugs into the United States from 1985 through 1991 were also brought to justice. Flavine International, Inc. and several individuals entered guilty pleas, including one defendant who was extradited from France and sentenced to 24 months in jail, a fine of \$1 million, and deportation upon completion of his sentence.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Civil Division -- Office of Consumer Litigation						
GOAL: To enforce consumer protection statutes.						
Type of Indicator	PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS			
	Performance Indicators		1994 Actual	1995 Actual	1996 Actual	1997 Actual
Input	1. Number of cases pending beginning of year		392	377	429	435
	2. Number of cases received during year		125	234	212	214
Output/Activity	3. Number of cases terminated during year		140	182	206	188
Outcome	4. Percentage of closed cases in which the government either obtained relief with respect to the enforcement of federal law or effectively defended an agency's policies, programs or initiatives.		96%	97%	96%	85%
Productivity/Efficiency	5. Percentage of caseload terminated		27%	30%	32%	29%
A. Definitions of Terms or Explanations for Indicators:						
<ul style="list-style-type: none"> Indicators 1, 2 and 3: Case counts for these indicators were developed in a manner consistent with prior budget submissions and refer to personally and jointly handled cases. Indicator 2: The influx of telemarketing cases contributed to the unusually large number of case receipts in 1995. Indicator 4: The Office has refined this performance indicator to measure more closely its success in defending and asserting federal programs and policies. Indicator 5: Caseload refers to the sum of cases pending at the beginning of the year and the number of new cases received during the year. 						
B. Factors Affecting FY 96 Program Performance:						
<ul style="list-style-type: none"> Indicator 3: The increase in case terminations in 1996 is primarily attributable to the closing of many telemarketing cases. 						
C. Factors Affecting Selection of FY 97 and 98 Targets:						
<ul style="list-style-type: none"> Indicator 4: Targets have been set at 85 percent due to the complexity of the Office's pending cases which may make it more difficult to achieve effective outcomes. Indicator 5: The Office raised its target termination rate from 24 percent to 29 percent. 						

	Perm. FOL	FTE	Amount
Immigration Litigation			
1997 Appropriation Anticipated	54	62	\$7,083
1998 Base	54	62	\$7,285
1998 Estimate	54	62	\$7,285
Increase/Decrease	...	...	...

Base Program Description

The Office of Immigration Litigation is the last line of defense along an immigration enforcement continuum that involves the Immigration and Naturalization Service (INS), the Immigration Courts, the Board of Immigration Appeals and the federal courts. By defending and enforcing the laws and policies regarding alien admission and removal and challenges to the government's immigration laws and policies, the Office of Immigration Litigation ensures that the combined efforts of the United States' immigration agencies come to fruition.

Immigration litigation involves both individual challenges to immigration enforcement actions, as well as class action suits directed against officers of the INS, the Department of State and other immigration-interested agencies. The Office also handles cases challenging the issuance and denial of visas and passports, the imposition of employer sanctions and the government's response to applications for naturalization, political asylum and other immigration benefits. Nearly 90 percent of the caseload involves petitions to the courts of appeals by individual aliens seeking to challenge determinations by immigration officers, immigration judges, and the Board of Immigration Appeals.

Challenges to exclusion, deportation and removal continue to be the Office's most significant cases in terms of volume. In 1996, this docket included 2,135 cases, as the INS and Executive Office for Immigration Review continued to apply greater emphasis and resources to the task of removing illegal aliens from the United States. This number represents an increase from the Office's 1991 challenges to exclusion, deportation and removal caseload. An increasing number of these cases involve aliens who have committed crimes in the United States.

Antiterrorism litigation comprises a growing aspect of the Office's mission. Efforts to extradite one of the international leaders of Hamas to Israel and a notorious Sikh terrorist to India are recent examples of this work. The deportation case against members of the Popular Front for the Liberation of Palestine continues as well. The Antiterrorism and Effective Death Penalty Act (AEDPA), which created an Alien Terrorist Removal Court, will give the government authority to exclude or deport suspected foreign terrorists. The Office has played an integral role in establishing operating rules and procedures for all aspects of the Removal Court process. It helps designate foreign terrorist organizations which are a threat to national security and identify suspected alien terrorist for the Removal Court, working with the Criminal Division, the FBI, the CIA, the Department of State and the Department of Treasury's Office of Foreign Asset Control.

Challenges to statutory reforms such as the 1986 "amnesty" and collateral attacks on INS enforcement actions constitute the most labor-intensive litigation by the Office. While accounting for only three percent of the total caseload in 1996, collateral attacks on the INS accounted for 32 percent of time reported.

Additionally, as a result of asylum and refugee initiatives and other administrative reforms, cases contesting the denial of immigration benefits have increased. Overall, the caseload totaled 2,319 cases in 1996.

A 40 percent increase in case receipts is projected between 1996 and 1998. This increase is expected as a result of Administration and congressional efforts to tighten immigration enforcement through the enactment of three major laws: the Violent Crime Control and Law Enforcement Act of 1994, the Antiterrorism and Effective Death Penalty Act of 1996 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Attorneys spent most of their time, about 79 percent, litigating cases in 1996. The remainder of attorneys' time was mostly spent advising client agencies and the U.S. Attorneys' Offices. On average, each attorney handled 31 cases and reported 37 days of unpaid overtime in 1996. The total overtime hours reported translate into 11 additional workyears for 1996.

Accomplishments

The Office measures its success in preserving federal immigration policies by tracking the number of cases it wins. In 1996, the Office won 97 percent of the personally and jointly handled cases decided or dismissed by the courts, exceeding its 90 percent target under the Government Performance and Results Act (GPRA).

The Office has defended and enforced U.S. immigration policy in a variety of recent cases, including:

In a unanimous Supreme Court decision, *Yang v. INS*, the Court upheld the Attorney General's broad discretion to refuse to give a waiver of deportation to an alien who had obtained an immigrant visa by fraud. This important victory sends a strong signal that immigration authorities can make rules as they see fit in order to enforce the law that aliens must make truthful representations and have proper documents when they come to the United States.

The successful defense of the AEDPA, which limits the remedies available to aliens who are convicted of serious crimes, enables the INS to expel criminal aliens promptly upon completion of their prison sentences. In victories including *Euldylag, Sahchez-Rodriguez, Salazar-Harg*, and *Rolls*, the Office obtained judgments sustaining the provisions of the Act that preclude judicial review of a criminal's administrative order of deportation.

After the United States Coast Guard intercepted vessels smuggling Chinese aliens in the Pacific Ocean and off the Atlantic coast, the Office worked with the INS, the Department of Defense and the National Security Council to formulate plans to return the Chinese aliens, and created contingency litigation plans to defend the government's efforts in any lawsuits that might have been brought on behalf of those aliens.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Civil Division -- Office of Immigration Litigation GOAL: To prevail on behalf of the United States in defense and assertion of federal programs and policies.							
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators		1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
Input	1. Number of cases pending beginning of year		893	950	1,092	1,091	1,171
	2. Number of cases received during year		1,254	1,386	1,227	1,516	1,716
Output/Activity	3. Number of cases terminated during year		1,197	1,244	1,228	1,436	1,609
Outcome	4. Percent of cases won		96 %	98 %	97 %	90 %	90 %
A. Definitions of Terms or Explanations for Indicators:							
<ul style="list-style-type: none"> Indicators 1, 2 and 3: Case counts for these indicators were developed in a manner consistent with prior budget submissions and refer to personally and jointly handled cases. Case counts include cases appearing in the Violent Crime Reduction Budget GPRA table. Indicator 4: The percent of cases won is based on the number of cases that resulted in judgments or dismissals by the court. 							
B. Factors Affecting FY 96 Program Performance:							
<ul style="list-style-type: none"> All Indicators: The Office of Immigration Litigation's deep knowledge of immigration statutes and its ability to coordinate cases nationwide contributes to its success. 							
C. Factors Affecting Selection of FY 97 and 98 Targets:							
<ul style="list-style-type: none"> Indicator 2: The 1997 and 1998 targets assume that additional cases will be generated as a result of the infusion of Violent Crime Reduction Trust Fund resources and the Department's 1997 immigration initiatives. Indicator 4: Targets are not being raised above 90 percent because the effect of the new immigration statutes on the Office's performance is uncertain. 							

	Perm. Pos.	FTE	Amount
Management and Administration			
1997 Availability	99	108	\$11,776
1998 Base	99	108	\$12,030
1998 Estimate	101	110	\$12,187
Increase	2	2	\$157

Base Program Description

The Civil Division defends the agencies and officers of the United States in suits challenging the constitutionality and legality of federal statutes, policies and regulations. The Civil Division handles up to 100 "clients" in a wide range of cases. The financial stakes associated with the current caseload are staggering, exceeding \$100 billion. The successful litigation of this broad, diverse and high-stakes caseload requires a responsive management structure capable of providing executive leadership and promoting productivity, performance and fiscal responsibility. The Management and Administration decision unit -- comprised of the Office of the Assistant Attorney General and the Office of Management Programs (OMP) -- serves this purpose, supporting thousands of cases annually.

The most direct way OMP fosters performance and efficiency is through its Automated Litigation Support (ALS) program. ALS provides a practical means of putting millions of pages of evidentiary documents at attorneys' fingertips. It consists of document screening, imaging, computerization and trial preparation services that are essential to the successful handling of the Civil Division's largest and most important cases. As the majority of ALS services are provided by contractor staff, ALS provides a flexible vehicle for responding to urgent litigation needs.

Information-retrieval functions are provided through OMP's automated legal research program and Centralized Records Management Programs (CRMP). The legal research program enables attorneys to access specialized data bases such as WESTLAW and LEXIS, which provide up-to-the-minute information on federal and state statutes, court decisions and the legislative activity of Congress. The CRMP assists attorneys by storing, monitoring and periodically updating the Civil Division's more than 257,000 case file sections.

Office automation is a key feature of the technological support provided by OMP. The first large-scale office automation system in the Department of Justice, AMICUS provides users with instant desktop access to word processing, electronic mail, on-line legal research, electronic calendars and spreadsheets, correspondence control and tracking systems and ALS and case management systems. These powerful office automation tools enable attorneys and support staff to enhance their efficiency and effectiveness through better organization and management of their work efforts. Further enhancements will be achieved in 1997, when AMICUS is converted to the Justice Consolidated Office Network (JCON). JCON will provide Civil Division attorneys and support staff with advanced word processing and spreadsheet capabilities, improved access to on-line legal research services and expanded facsimile and electronic mail capabilities.

Successful management of the Civil Division's burgeoning caseload is essential to ensuring efficiency in all stages of litigation. CASES, the Civil Division's automated case management system, maintains the basic data needed for management of over 403,000 open and closed cases. Through CASES, attorneys can access essential case-related information directly from their individual workstations, saving them countless hours of searching for voluminous physical case files. With only a few keystrokes, managers can search and update cases, monitor caseload activity and expenditures, trace litigation histories, analyze caseload trends and evaluate future resource requirements.

The provision of responsive administrative support services is just as crucial as the provision of technological support. These services include: recruitment, hiring, employee assistance and training, personnel tracking, labor relations, procurement, facilities management and provision of office equipment and furniture. OMP is coordinating the temporary relocation of the Civil Fraud and Appellate Staffs into "swing space" while the Main Justice Building undergoes renovation in 1997.

Sound fiscal management is another crucial OMP function. Each year, thousands of financial transactions are processed against a growing number of accounts under the Civil Division's purview. Once limited to the General Legal Activities account, budget formulation, execution and accounts maintenance functions have been expanded to include the MECA Trust Fund and administration accounts, the VCR appropriation, two Fees and Expenses of Expert Witnesses allotments and a host of reimbursable agreements. As the number of accounts has grown, so have the types of responsibilities which encompass fiscal management.

OMP provides a service to the general public, coordinating responses to nearly 2,500 congressional and public inquiries each year. In accordance with the Attorney General's commitment to make the Department of Justice "more open, responsive and accountable" to the American people, OMP is committed to providing timely, accurate responses to all inquiries. Having zeroed-out its backlog of citizen correspondence and achieved currency with respect to controlled congressional correspondence, the Civil Division's communications function has been singled out as an example of timeliness and efficiency for other Department of Justice components.

Accomplishments

ALS helped ensure the government's success in several high-profile cases which were closed in 1996, including *Boeing*, in which \$1.2 billion was defeated, and in *Dana and First Union*, in which combined multi-year recoveries were \$37 million. This program continues to provide discovery and trial support services indispensable to ongoing cases of unprecedented size and complexity -- A-12 and the *MINTEL* cases are examples.

OMP played a major role in the award of the JCON contract. In addition to chairing the Source Selection Evaluation Board which made the award recommendation, OMP staff debriefed disappointed bidders on the basis of the award. No protests were filed, a remarkable achievement considering the contract is valued at up to \$500 million.

On-line entry of timekeeping information represented a major enhancement to CASES. The feature eliminates the need for cumbersome daily time sheets.

OMP coordinated the permanent relocation of approximately 300 employees of the Commercial Litigation Branch and the Office of Management Programs to a new location at 1100 L Street, NW, with minimal interruption to litigation and administrative operations.

Program Change

	Perm. Pos.	FTE	Amount
Automated Litigation Support.....	2	2	\$157

The Civil Division is defending claims from the enactment and implementation of the Financial Institution Reform, Recovery and Enforcement Act. The cases are unprecedented in terms of amounts claimed as well as their size and complexity. With a gruelling trial schedule set for 1998 and expected to continue at least through the year 2000, the Civil Division will devote substantial contractor-provided resources to accomplish discovery and trial support. A program increase of two positions, two FTE and \$157,000 is required to provide staff vital to manage the contract services that will be acquired.

Civil Division
Salaries and Expenses
Financial Analysis - Personnel Changes
(Dollars in thousands)

Item	Pos.	Total Amount	Commercial Pos.	Commercial Amount	Federal Programs Pos.	Federal Programs Amount	Management and Administration Pos.	Management and Administration Amount	Total Pos.	Total Amount
Grades										
GS-15.....	39	\$1,124	...	...	...	...	39	\$1,124
GS-14.....	21	1,428	3	\$200	...	...	24	1,628
GS-11.....	6	240	1	40	2	\$80	9	360
GS-4.....	2	49	...	...	...	...	2	49
Total positions and annual rate..	68	4,841	4	240	2	80	74	5,161
Lapses (-).....	(5)	(288)	(2)	(119)	(...)	(...)	(7)	(407)
Total vacancies and personnel compensation.....	63	4,553	2	121	2	80	67	4,754
Personal benefits.....	1,169	...	36	...	24	...	1,229
Travel and transportation.....	336	...	10	...	2	...	346
Provision of things.....	14	...	2	...	1	...	16
GSA rent.....	626	...	20	...	20	...	666
Other rent.....	81	...	3	...	3	...	87
Printing.....	97	...	3	...	3	...	103
Other services.....	3,770	...	108	...	22	...	4,733
Supplies and materials.....	67	...	2	...	2	...	71
Equipment.....	102	...	...	...	...	...	102
Total program vacancies and obligations 1994.....	...	833	63	10,815	2	304	2	157	67	12,109

Civil Division
Salaries and Expenses
Priority Ranking
Fiscal Year 1998

Program	Ranking
Federal Appeals Activity.....	1
Commercial Litigation.....	2
Immigration Litigation.....	3
Torts Litigation.....	4
Federal Programs.....	5
General Litigation.....	6
Management and Administration.....	7

Program	Ranking
Commercial Litigation.....	1
Torts Litigation.....	2
Federal Programs.....	3
Management and Administration.....	4

Civil Division
Salaries and Expenses
Detail of Personnel Salaries by Category
Fiscal Years 1978 - 1979

Category	1978		1977		1976		1975		1974		1973	
	Authorized	Reimbursable	Authorized	Reimbursable	Authorized	Reimbursable	Authorized	Reimbursable	Authorized	Reimbursable	Authorized	Reimbursable
Attorneys (905)	612	17	612	17	612	17	612	17	612	17	612	17
Paralegal Specialists (950)	57	5	57	5	57	5	57	5	57	5	57	5
Gen. Admin. Clerical and Office Services (100-399)	252	14	252	14	252	14	252	14	252	14	252	14
Total	928	36	928	36	928	36	928	36	928	36	928	36
Washington	888	36	888	36	888	36	888	36	888	36	888	36
U.S. Field	39	...	39	...	39	...	39	...	39	...	39	...
Foreign Field	1	...	1	...	1	...	1	...	1	...	1	...
Total	928	36	928	36	928	36	928	36	928	36	928	36
NRB Assigned Positions												
Supervisors	121	...	121	...	121	...	121	...	121	...	121	...
Personal Specialists (950) .....	...	...	...	...	...	...	...	...	...	...	...	...
Budget Specialists	5	...	5	...	5	...	5	...	5	...	5	...
Accounts and Auditors	1	...	1	...	1	...	1	...	1	...	1	...
Acquisition Specialists	2	...	2	...	2	...	2	...	2	...	2	...
Headquarters Staff	108	...	108	...	108	...	108	...	108	...	108	...

Civil Division
Summary of Anticipated Support Positions
FY 1997-1998

Decision Unit	1997 Appropriation Anticipated			1998 Program Increases			1998 Request Level		
	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE
Federal Appellate Activity	59	17	76	77	...	...	59	17	76
Tort Litigation	141	64	205	207	...	...	141	64	205
Commercial Litigation	221	88	309	319	60	55	281	96	377
Federal Programs	116	34	150	144	3	1	119	35	154
Consumer Litigation	27	31	58	35	39	...	27	31	58
Immigration Litigation	39	43	82	54	62	...	39	43	82
Personnel and Administration	9	10	19	52	108	...	9	10	19
Total	612	310	922	67	26	11	67	26	93

Decision Unit	1997 Appropriation Anticipated			1998 Program Increases			1998 Request Level		
	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE
Federal Appellate Activity
Tort Litigation
Commercial Litigation
Federal Programs
Consumer Litigation
Immigration Litigation
Personnel and Administration
Total

Civil Division
Salaries and Expenses
Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

Grade and Salary Range	1977 Actual		1977 Estimate		1978 Estimate		Increase/Decrease	
	Position	Amount	Position	Amount	Position	Amount	Position	Amount
Executive Level IV, \$115,700	1		1		1			
SS-5, \$111,400	24		24		24			
SS-4, \$107,300	2		2		2			
SS-3, \$103,200	2		2		2			
SS-2, \$99,100	2		2		2			
SS-1, \$95,000	2		2		2			
GS-15, \$87,941-\$9,326	426		426		426			
GS-14, \$84,882-\$8,871	42		42		42			
GS-13, \$81,823-\$8,416	42		42		42			
GS-12, \$78,764-\$8,011	35		35		35			
GS-11, \$75,705-\$7,616	4		4		4			
GS-10, \$72,646-\$7,321	4		4		4			
GS-9, \$69,587-\$7,016	4		4		4			
GS-8, \$66,528-\$6,850	4		4		4			
GS-7, \$63,469-\$6,575	19		19		19			
GS-6, \$60,410-\$6,387	12		12		12			
GS-5, \$57,351-\$6,023	4		4		4			
GS-4, \$54,292-\$5,798	4		4		4			
GS-3, \$51,233-\$5,554	4		4		4			
GS-2, \$48,174-\$5,310	4		4		4			
GS-1, \$45,115-\$5,065	4		4		4			
1977 Pay Raise								
1978 Pay Raise								
Pay above stated annual rates								
Lapses								
Savings due to lower salaries for part of year								
Net full-time permanent								
Other than permanent								
Part-time permanent								
Temporary								
Other personnel compensation								
Overtime								
Contract compensation								
Special personnel services payments								
Total, workyears and personnel compensation								
Average GS Salary								
Average GS/CM Salary								
Average GS Grade								

Reduced by 18 FTE per new time registration

Civil Division
Summary of Requirements by Class and Object Class
 (Dollars in thousands)

	1996 Actual FTE	1997 Estimate FTE	1998 Request FTE	1999/2000 FTE
Object Class				
11.1 Total workyear & personnel compensation	881	956	971	971
11.2 Other personnel compensation	82	82	82	82
11.3 Other personnel compensation	2	2	2	2
11.4 Special personnel services payments	1,252	1,252	1,252	1,252
11.5 Total	882	966	971	971
11.6 Other than permanent	(31)	(16)	(16)	(16)
Other Object Class				
12.0 Benefits to former personnel	12,371	14,512	15,431	15,431
12.1 Travel and transportation of persons	3,177	3,159	3,320	3,320
12.2 Transportation of things	11,578	12,546	12,842	12,842
12.3 Rental payments to others	2,137	2,166	2,166	2,166
12.4 Comm., util., & misc. charges	1,138	1,138	1,138	1,138
12.5 Printing and reproduction fees	36,374	42,737	56,271	56,271
12.6 Other services	2,342	2,406	2,471	2,471
12.7 Purchase of goods & svcs from Gov't accounts	36	93	93	93
12.8 Operation of GOV't	301	206	232	232
12.9 Operation and maintenance of equipment	897	807	948	948
12.0 Supplies and materials	897	1,007	948	948
12.1 Insurance claims and indemnities	2	1,004	948	948
Total obligations	882	130,718	147,327¹	147,327¹
			1,031	1,031
				22,321

¹ Reduced by 18 FTE per one-time reprogramming

² Includes ALS carryforward of \$710,000.

Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Crosswalk of 1997 Changes
(Dollars in thousands)

Activity/Program	1997 President's Budget Request		Congressional Appropriation Actions on 1997 Request		Reprogramming		1997 Appropriation Enacted	
	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.
5 Land, Natural Resources and Indian Matters								
a Appellate & Policy	37	40 54,671		(474)			37	40 54,197
b Environmental Protection	221	210 34,431		(3,495)			221	210 30,936
c Natural Resources	154	161 20,498		(2,079)			154	161 18,419
d Management & Administration	37	45 4,284		(489)			37	45 4,495
Total	449	476 64,586		(6,537)			449	476 58,049
Reimbursable Workyears	242							242
Total Workyears	718							718

Environment and Natural Resources Division
Salaries and Expenses
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Collection by Source	1996		1997		1998		Increase/Decrease	
	Pos.	MI Amount	Pos.	MI Amount	Pos.	MI Amount	Pos.	MI Amount
Department of Agriculture	972	...	9200	...	...	...	...
Department of Commerce	15	...	...	...	...	...	...
Department of Defense	3,970	...	3,500	...	...	...	(500)
Department of Energy	60	...	...	...	...	...	...
Department of Health and Human Services	2	...	...	...	...	...	...
Department of the Interior	4,893	...	6,000	...	...	...	(2,000)
Department of Justice	3,866	...	2,500	...	...	...	...
Department of State	15	...	...	...	...	...	...
Environmental Protection Agency	34,042	...	34,370	...	242	34,100	(370)
Equal Employment Opportunity Commission	10	...	75	...	...	...	...
General Services Administration	58	...	...	...	...	...	...
Office of the Independent Counsel	642	...	100	...	...	...	(100)
Office of Personnel Management	15	...	...	...	...	...	...
Securities and Exchange Commission	1,540	...	2,000	...	...	...	...
State of California	23	...	...	...	...	...	...
State of Maryland	21	...	...	...	...	...	...
Washington Metropolitan Area Transit Authority	212	...	30	...	...	...	...
Total	242 50,581	...	242 48,975	...	242 45,975	...	(3,000)
Collection by Program								
Agriculture & Forestry
Environmental Protection	242 33,403	...	242 33,676	...	242 33,306	...	(370)
Natural Resources	6,659	...	...	...	(30)
Management & Administration	11,222	...	8,640	...	242 6,640	...	(2,600)
Total	242 50,581	...	242 48,975	...	242 45,975	...	(3,000)

Environment and Natural Resources Division
Salaries and Expenses
Program Performance Information
Government Performance and Results Act Requirements

MISSION: To enforce civil and criminal environmental laws in order to protect the health and environment of United States citizens. The Division also defends environmental challenges to Government programs and activities and represents the United States in all matters concerning the protection, use, and development of the Nation's natural resources and public lands; wildlife protection; Indian rights and claims; and the acquisition of Federal property.

ORGANIZATIONAL GOALS:

1. Protect the natural environment and our citizens.
2. Enforce the law fairly and effectively to assure a clean environment.
3. Maintain and promote a sound level of statutory environmental protections.
4. Further the United States' trust responsibilities for Indian tribes.
5. Protect the public fiscal trust.
6. Make the Division work better with available resources.
7. Defend the government's pollution abatement programs.
8. Acquire federal land in a fair and efficient manner.

Environment and Natural Resources Division
Salaries and Expenses - General Legal Activities
Justification of Program and Performance
(Dollars in thousands)

	Perm.		FTE	Amount
	Eos.			
APPELLATE & POLICY				
1997 Appropriation	37	40		\$4,197
1998 Base	37	40		4,346
1998 Estimate	40	42		4,550
Increase/decrease	3	2		204

BASE PROGRAM DESCRIPTION: This decision unit includes two discrete sections: the Appellate Section and the Policy, Legislation and Special Litigation Section.

The Appellate Section of the Environment and Natural Resources Division is responsible for all appellate court matters in the Division except for petitions for review of EPA rules, which are handled by the Environmental Defense Section. Attorneys of the Appellate Section are lead counsel in 95 percent of its cases, and they work closely with the U.S. Attorneys and Division attorneys handling the remainder. In this Division, most cases on appeal involve specialized statutes and frequently involve challenges to decisions by high officials -- particularly in the Environmental Protection Agency and the Department of the Interior. Most work involves preparing briefs and oral arguments which lead to coordination of the positions of client agency staff and trial section attorneys, analysis of the bases for appeal, and securing permission from the Solicitor General's Office to appeal adverse decisions. The unit also prepares draft briefs for the Solicitor General.

The Policy, Legislation and Special Litigation Section (PLSL) advises and assists the Assistant Attorney General on policy issues. With the Office of Legislative Affairs, it coordinates and directs the Division's legislative program, including representing the Department on interagency groups that develop the Administration's position on legislation and at meetings with congressional staff. Other duties include: drafting speeches; monitoring and participating in citizen suits; responding to citizen mail, congressional and FOIA requests; and serving as the Division's ethics officers. PLSL attorneys also coordinate the Division's activities regarding international environmental matters and environmental justice matters. Too,

they litigate amicus cases and undertake other specially assigned litigation projects at the trial and appellate levels.

PROGRAM CHANGES:

	Perm. FTE	FTE	Amount
Appellate.....	...	...	\$...
Policy, Legislation and Special Litigation ..	1	2	204
Appellate & Policy	3	2	204

This increase seeks to address the following objectives:

1. Protect the natural environment and our citizens.
2. Enforce the law fairly and effectively to assure a clean environment.
3. Maintain and promote a sound level of statutory environmental protections.

The Environment and Natural Resources Division requests one attorney and two paralegals for 1998 to implement the newly-enacted Electronic Freedom of Information Act Amendments of 1996. The Amendments require substantial new efforts to improve and speed FOIA response. Of particular significance to this Division, the Amendments require a response in twenty days, absent unusual circumstances, and prohibit courts from granting so-called *Open America* stays on the ground that the agency's FOIA backlog prevents a timely response. Where the Division cannot meet the twenty-day deadline due to unusual circumstances, the Amendments require negotiation with the requester to either narrow the request or establish a reasonable response schedule.

The full scope of these and other new burdens will not be known until the meaning of the new language has been litigated. However, the Division presently is using its FOIA staff to maximum capacity, and has not been able to reduce its backlog. Our typical FOIA requests, which often are from litigants and in the nature of civil discovery, cannot now be timely processed, with existing resources. Absent additional staff, the new obligations imposed by the Amendments simply cannot be met.

Compliance with the new statute (particularly the elimination of the Open America doctrine) will require our FOIA attorneys to be involved to insure that the requests are properly interpreted and routed. We also anticipate significant new litigation from requesters who, in the past, have not sued due to the Open America doctrine, and over interpretations of the new language. Additional attorney time will be needed to assist with this litigation, to train Division personnel in their new obligations, and to evaluate applications for expedited handling, among other matters.

The additional paralegals are needed to assist in: managing and processing FOIA requests promptly; implementing the electronic FOIA search and computer redaction requirements; immediately assessing responsive document locations and estimating response times and responsive document volumes; and scanning documents into electronic format and indexing responses.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Appellate & Policy		PERFORMANCE TARGETS AND ACTUAL RESULTS							
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1996 Est.	1997 Target	1998 Target		
Inputs	Cases/Matters Received FOIA Requests Received Controlled Correspondence Congressional Letters Requests for Amicus Cases	2,944 176 148 98 14	2,799 199 100 111 38	3,013 220 269 178 45	2,600 180 240 270 40	3,015 200 270 270 40	2,880 200 270 270 40		
Output/ Activity	Cases/Matters Closed* Appellate Briefs Filed Oral Arguments Amicus Case Filings Speeches Prepared Testimony Prepared Citizen Suit Consent Decrees Reviewed	2,270 247 114 N/A 25 5 48	2,517 211 112 16 58 15 51	3,867 201 90 14 59 8 58	2,475 195 100 10 65 12 50	3,000 220 120 10 70 15 50	2,750 220 120 10 70 15 50		
Inter- mediate Outcome	Courts of Appeals cases decided Supreme Court cases decided	177 30	216 35	112 25	150 25	150 35	150 35		
End Outcome									
Product- ivity Efficiency	Percentage of Courts of Appeals Cases Won Percentage of Supreme Court Cases Won FOIA Backlog Controlled Correspondence Backlog Congressional Letters Backlog	91% 94% 32 44 40	88% 94% 63 4 7	85% 50% 99 6 10	85% No est 35 15 10	85% No est 25 10 10	85% No est 20 10 10		

A. Definitions of Terms or Explanations for Indicators:	
•	Cases Won include cases in which we sought and obtained denial of certiorari. Also included are cases in which the Government prevailed in trial court and the opposition's appeal is withdrawn.
•	Cases Lost, conversely, include those cases where we sought certiorari but it was not granted.
•	"FOIA Backlog" is the number of requests that were not answered within 10 working days of receipt.
•	Amicus Requests are cases in which private parties or Citizens' groups request that the Government join them in pursuing a change to an adverse lower court ruling.
•	Speeches Prepared and Testimony Prepared Numbers for 1994 are "best guess" estimates.
•	Amicus Case Filings became a discrete category January 1995 when the Case Management System was modified. 1994 figures are "Best Guess" estimates.
B. Factors Affecting FY 96 Program Performance.	
Government shutdowns and budget uncertainty.	
C. Factors Affecting Selection of FY 97 and 98 Targets.	
•	Assumes approval of requested 1998 resources.
•	Almost by definition, Supreme Court cases are anomalies thus the Appellate Section cannot predict their number nor speculate as to a "win rate". Courts of Appeals cases on the other hand are far more frequent; accordingly, the Section is comfortable with targets involving them.
FURTHER NOTES: • Case closings in 1996 are disproportionately high because of a concerted effort to close our inactive case files.	

Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Justification of Program and Performance
(Dollars in Thousands)

	Perm. Pos.	FTE	Amount
ENVIRONMENTAL PROTECTION			
1997 Appropriation	221	230	\$30,938
1998 Base	221	230	32,035
1998 Estimate	227	233	32,924
Increase/Decrease	6	3	889

BASE PROGRAM DESCRIPTION: The Environmental Protection unit is comprised of the Environmental Crimes, Environmental Defense, and Environmental Enforcement Sections. While each is distinct, increasingly their work intersects.

The Environmental Crimes Section serves two primary purposes: the investigation and prosecution of criminal violators of federal environmental statutes and support of the work of USAOs and investigative agencies such as the EPA and FBI. In the latter instance we provide highly trained and experienced prosecutors to assist in resource-demanding trials and prosecutions, policy development advice and litigation support for those cases that do not justify direct Section involvement.

The Environmental Defense Section defends rule-making, regulatory and permit actions, and decisions by federal departments and agencies, notably the Environmental Protection Agency, the Department of the Interior, the Army Corps of Engineers, and the Coast Guard. It also represents federal agencies sued for violations of environmental law and has responsibility for affirmative litigation to enforce the wetlands laws. The majority of EDS's litigation docket (approximately 70%) is in defense of client agency actions.

The Environmental Enforcement Section conducts affirmative civil litigation to control and abate pollution. This Section is responsible for judicial enforcement of most of the Environmental Protection Agency statutes and rules which regulate discharges into the Nation's air and water and which govern pesticide operations, solid waste storage, and nuclear waste. Finally, the Section brings natural resource damage actions on behalf of the federal trustees (Departments of Commerce, the Interior and Agriculture), claims for

contribution against private parties for contamination of public lands and the recoupment of money spent to clean up certain oil spills on behalf of the Coast Guard.

PROGRAM CHANGES.

	Perm. ECS	FTE	Amount
Environmental Crimes	6	3	\$889
Environmental Defense .....	...	...	...
Environmental Enforcement .....	...	...	...
Environmental Protection	6	3	889

This increase seeks to address the following objectives:

1. Protect the natural environment and our citizens.
2. Enforce the law fairly and effectively to assure a clean environment.

A program increase of 6 positions (3 attorneys) and \$889,000 (\$500,000) is sought to build upon two ECS initiatives in 1998:

The Environment and Natural Resources Division is requesting additional resources to build upon two nationwide environmental crime initiatives. Specifically, an increase of 6 positions, 3 workyears and \$889,000 (\$500,000 for ALS) is sought for the Environmental Crimes Section to address vessel pollution and CFC smuggling.

Vessel Pollution Initiative. This initiative is an outgrowth of the Section's successful investigation and prosecution of several Clean Water Act cases involving the intentional discharge of oil and other pollutants in U.S. V. Princess Cruise Lines, and U.S. V. M/G Transport Services, Inc. The Section's involvement in these earlier investigations, coupled with the sharing of intelligence from various agencies that section attorneys worked with, led to the realization that a widespread and heretofore largely unchecked problem of vessel pollution exists both in ocean and inland waterways. This in turn led to the formation of a separate unit within ECS to concentrate on the novel legal and investigative issues presented by this new category of environmental criminal prosecution.

As part of this initiative, attorneys from the section are training key personnel within the U.S. Coast Guard and other enforcement agencies in the vessel pollution statutes and basic criminal enforcement. They are

collecting and analyzing data for the purpose of targeting enforcement resources and are actively preparing and planning a number of enforcement operations, such as the December 1996 10-count indictment returned against one of the world's largest cruise lines (U.S. v. *Royal Caribbean Cruises, Ltd.*) charged with repeatedly fouling U.S. coastal waters by dumping bilge water containing oil and with falsifying records to cover it up.

CFC Smuggling. The Environmental Crimes Section is also spearheading a nationwide crackdown on the smuggling of ozone-destroying chlorofluorocarbons (CFCs) -- a problem of growing concern, ranking second only to narcotics as a source of black market profits. CFC smuggling has a ready market of approximately 80 million older American cars. Owners of these older vehicles must either have their cars retrofitted to use the coolants -- at a cost of \$50 to \$100 per car -- or purchase increasingly expensive CFCs from existing legal stockpiles. Estimates are that millions of pounds of CFCs have been smuggled into the country. CFCs contribute to the destruction of the Earth's ozone layer which protects the Earth's surface from harmful ultraviolet-B radiation. Increases in ultraviolet-B radiation lead to increases in skin cancer and cataracts and also inhibit plant and animal growth.

The Justice Department became aware that the black market for CFCs was developing following a series of cases in the Southern District of Florida. These cases, coupled with intelligence from various sources (including industry and the CIA) indicated that chemical manufacturing facilities in several countries, including Russia, China, India and Mexico, were producing CFCs that were ending up in a black market in the U.S. In response, ECS worked with U.S. Customs and EPA to determine which were the most likely ports of entry for these chemicals. AUSAs from the districts in those ports were then recruited to participate in a National Enforcement Initiative. ECS prepared and distributed a primer on CFC smuggling, including a 25-page memo detailing the relevant law. The initiative has developed into a workgroup of prosecutors and investigators, who have been meeting regularly to discuss strategies and case development. Both AUSAs and ECS attorneys have been developing prosecutions as a direct result of the initiative.

The success of the initiative was demonstrated recently (January 9, 1997), when Attorney General Reno, EPA Administrator Browner and U.S. Customs Commissioner Weise jointly announced the filing of charges against 15 people and three firms for conspiring to smuggle nearly 900 tons of CFCs into the U.S. Together the charges involve six separate operations in five states (Texas, Florida, Pennsylvania, California and Georgia). ECS has proved essential in the coordination of cases, and in providing skilled prosecutors to handle individual and interconnected cases in several districts. The role of ECS is expected to continue to grow as this important global initiative develops.

Finally, the ECS request for 1998 includes \$500,000 for ALS. Automated litigation support is critical to the effective conduct of the Section's litigation, providing a wide variety of technical services and systems. These include database design and creation, document management, creation of brief banks, digital imaging, and mapping capability. From 1995 to 1996, the Environment Division's automated litigation support funding was slashed from more than \$6 million to \$1 million so that the money could be used to cover the higher payroll and other uncontrollable cost increases. Although ENRD helped pioneer litigation support in the Department, we have seen our base funding for it erode precipitously and these severe cuts have limited our options for handling our most important litigation and, in turn, limited our ability to adequately enforce the pollution laws and maintain the deterrent effect of a strong visible enforcement program. Simply put, without additional base funding for litigation support, we cannot do our jobs and we cannot compete with the opposition.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Environmental Protection		PERFORMANCE TARGETS AND ACTUAL RESULTS									
PERFORMANCE INDICATOR INFORMATION											
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1996 Est.	1997 Target	1998 Target				
Inputs	Total Cases/Matters Received	1,029	1,026	1,008	1,075	960	975				
	EPA Criminal Case Referrals	220	256	262	310	380	400				
	EPA Criminal Investigative Agents	123	156	151	200	200	200				
	FBI Direct Agent Workyears (DAWYs)	54	50	38	58	60	75				
	Other Investigative Agency Referrals	27	72	39	40	75	75				
	Civil Judicial Referrals	411	365	319	320	365	365				
	Multi-Media Cases	14	N/A	20	30	38	42				
	Defensive Water Act Cases Received	95	119	124	120	125	125				
	Defensive Water Act Cases Pending	452	497	411	446	500	545				
	CAA Defensive Case Referrals	109	81	82	72	85	100				
	CAA Defensive Cases Pending	384	403	344	367	400	425				
	SDWA/FIFRA Case Referrals	N/A	N/A	10	10	25	75				
	SDWA/FIFRA Cases Pending	N/A	N/A	48	76	100	175				
	EDS CERCLA Cases Received	145	130	119	115	150	200				
	EDS CERCLA Cases Pending	626	674	530	725	550	575				
Output/ Activity	Cases/Matters Closed*	759	1,413	1,247	845	730	735				
	Defendants Indicted (Nationwide)	185	257	N/A*	220	250	270				
	Cases Indicted (Nationwide)	139	187	N/A*	125	150	175				
	Civil Cases Filed, EES	260	224	271	185	250	250				
	Trials and Hearings, Civil EES	500+	589	500+	500+	500+	500+				

Inter- mediate Outcome	Convictions/Pleas (ECS only) SES Civil Fines, Penalties, Costs Recovered	64	50	65	50	65	80
Bad Outcome	Criminal Fines & Penalties (ECS involved)	\$ 65 M	\$ 91 M	\$ 61 M	\$ 75 M	\$ 75 M	\$ 75 M
	Superfund Costs Recovered	\$ 27 M	\$ 34 M	\$ 10 M	\$ 118 M	\$ 40 M	\$ 45 M
Product- ivity Efficiency	Superfund Injunctive Relief	\$305 M	\$192 M	\$384 M	\$250 M	\$250 M	\$250 M
	Natural Resources Damages	\$332 M	\$484 M	\$406 M	No est	No est	No est
	Non-Superfund Injunctive Relief	\$ 21 M	\$ 16 M	\$ 11 M	\$ 25 M	\$ 30 M	\$ 35 M
	Value of SES SEPs Ordered	\$850 M	\$1.6 B	\$305 M	\$1.6 B	\$1.6 B	\$1.6 B
	Value of EDS Wetland SEPs & Penalties	\$ 41 M	\$120 M	\$ 25 M	\$ 70 M	\$ 80 M	\$ 80 M
	U.S. population living in counties w/ ozone exceeding the standard (millions)	\$1.5 M	\$2.6 M	\$10.9M	\$2.9 M	\$3.8 M	\$4.5 M
	U.S. population served by secondary water treatment (source: 1996 Budget, p. 86)	50 M	N/A	N/A			
	Conviction Rate (ECS involved cases only)	91%	97%	78%	90%	90%	90%
	Ratio of ECS budget to criminal penalties, fines, and other financial recoveries	1:7	1:4.6	1:17	1:33	1:4	1:4
	Ratio of SES budget to civil penalties, fines, and other financial recoveries	1:33	1:59	1:25	1:30	1:30	1:30
	EDS Petitions for Review:	N/A	91%	88%			
	Favorable Outcome (inc. vl. dismissals)	N/A	26%	22%	25%	25%	25%
	EDS payout as % of amt sought in SF cases against fed agencies	71%	88%	87%	85%	85%	85%
	Percentage of indictments involving individuals	N/A	64%	N/A	75%	85%	100%
	Percentage of Clean Air Act Amendments regulations implemented (FOURCS: EPA)	N/A					

A. Definitions of Terms or Explanations for Indicators:	
•	Conviction rate includes convictions obtained by plea agreement and trial.
•	Ratio of budget to penalties... includes both the appropriated and Superfund budgets as do the penalties, fines, et. al. recovered.
•	Ratio of EES budget... is an all-inclusive figure, i.e., it includes the value of SEPs and non-Superfund Injunctive Relief.
•	SDS Payout Percentages do not include cases with incomplete data.
•	N/A: Statistics for 1996 not yet available from EOUSA.
B. Factors Affecting FY 96 Program Performance.	
Government shutdowns and budget uncertainty	
C. Factors Affecting Selection of FY 97 and 98 Targets.	
These projections are based on current legislation; dollar amounts could be significantly affected if legislative changes are enacted (e.g., Superfund reauthorization).	
FURTHER NOTES: Our Sections are extremely reluctant to set monetary "targets" because, especially in the criminal prosecutions, investigations and prosecutions are primarily driven by the <u>Principles of Federal Prosecutions</u> -- not monetary concerns.	
• Case closings in 1995 and 1996 are disproportionately high because of a concerted effort to close our inactive case files.	
• Unusually high in 1996 due to \$75 million penalty in <u>U.S. v. Rivera (D.P.R.)</u>	

Environment and Natural Resources Division
Salaries and Expenses - General Legal Activities
Justification of Program and Performance
(Dollars in Thousands)

	Perm.	FTE	Amount
	Pos.		
NATURAL RESOURCES			
1997 Appropriation	154	161	\$19,419
1998 Base	154	161	19,072
1998 Estimate	154	161	19,072
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: This program includes four sections: the General Litigation, Indian Resources, Land Acquisition and Wildlife and Marine Resources Sections.

The General Litigation Section is the largest of the four sections in this Decision Unit; its cases span over 70 statutory areas administered by several dozen client agencies. Traditional General Litigation cases involve inverse condemnation, in which Government actions are alleged to have taken private property; Indian claims for monetary relief from Government inaction or mismanagement; defense of federal programs challenged for faulty environmental impact analyses; and mineral leasing and mining cases on land and in the Outer Continental Shelf. The spectrum of program initiatives exposed to statutory and constitutional challenge is as broad as the federal portfolio on environmental and public land issues -- and growing. It includes such programs and projects as: biotechnology research, missile and submarine defense, highways, dams, nuclear waste transportation and treatment; challenges to agency actions under the National Environmental Policy Act; decisions regarding Indians and Indian tribes; agency action under the Alaska Native Claims Settlement Act; water rights litigation affecting federal interests including defense of the United States' interest in general stream adjudications; and the federal surface mining program. It also reaches to litigation affecting mineral resources and seeks to obtain federal royalties. Finally, it extends to include those interests related to adjacent seas and seabeds and the determination of the location of the coastline and other maritime boundaries of the United States.

The United States has established trust relationships with various Indians and Indian tribes through a myriad of treaties, statutes and Executive Orders. Under these authorities, the Government is obliged to perform a number of functions on behalf of these tribes, including litigation to defend their rights. The Indian

Resources Section handles these cases, including critical litigation involving water rights. Many Indian reservations lie in the arid portions of the country where competition for water is fierce, and tribal rights to water must be established before reservation lands can be developed. Over 50 million acres of reservation lands and the rights to major water systems in dry western states are at stake. Other cases in which the Government represents the interests of Indians involve the establishment and protection of hunting and fishing rights and suits to answer questions about tribal rights to self-determination.

The **Land Acquisition Section** is responsible for filing and prosecuting condemnation actions to acquire properties needed for Congressionally authorized purposes which acquiring agencies are unable to acquire by direct purchase. In these condemnation proceedings just compensation, the amount of which is usually a highly contested issue, is determined and paid to property owners. Acquisition by condemnation is a means of last resort; agencies are required by law, to the greatest extent practicable, to make every reasonable effort to acquire property by negotiation and direct purchase before requesting condemnation. A top priority is to move these high-exposure cases expeditiously.

The **Wildlife and Marine Resources Section** has responsibility for both civil and criminal cases arising under the Federal fish and wildlife conservation statutes. Litigation under these statutes can play out in any of three different contexts: civil defensive litigation, in which the Section defends federal agencies whose programs are challenged as inconsistent with the requirements of federal conservation statutes; civil enforcement actions, principally in which we seek to enjoin persons (which can include private, state, or local entities) from violating federal conservation statutes (these typically are to stop a developer from destroying habitat that is essential to the conservation of protected wildlife); and criminal prosecutions. The principal client agencies of the Wildlife Section are the Interior Department's Fish and Wildlife Service (FWS) and the Commerce Department's National Marine Fisheries Service (NMFS), a branch of the National Oceanic and Atmospheric Administration (NOAA).

PROGRAM CHANGES: None.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Natural Resources		PERFORMANCE TARGETS AND ACTUAL RESULTS						
PERFORMANCE INDICATOR INFORMATION								
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1996 Est.	1997 Target	1998 Target	
Input	Cases/Matters received	1,848	1,924	1,379	1,790	1,490	1,495	
Output or Acti- vity	Cases/Matters Closed* Preliminary Opinions of Title prepared Final Opinions Agency delegated title opinions reviewed Appraisal reviews (tracts)	3,198 257 87 1,806 904	2,669 254 234 1,059 929	1,640 33 170 1,780 509	2,045 45 125 1,600 500	2,155 50 125 1,200 600	1,900 50 125 1,200 600	
Inter- mediate Outcome	Percentage of condemnation cases where U.S. qualifies as prevailing party Indictments and Informations	83% 129	84% 145	83% 24	85% 150	86% 160	87% 170	
End Outcome	Amount of claimed compensation saved: Condemnation cases Takings cases Royalty \$ at Issue v. Favorably Resolved	\$78.2M \$14.1M N/A	\$39 M 3.3 B \$207.206M (9 cases)	\$38.4 M 1.2 B \$4.9:4.5M (6 cases)	\$40 M \$14 M	\$42 M \$14 M	\$45 M \$15 M	
Effi- ciency	Conviction rate Guilty Pleas (% of total convictions) % of convicted defendants incarcerated Median length of incarceration	100% 88% 34% 6 mo	92% 95% 32% 8.5mo.	97% N/A N/A N/A	95% 93% 33% 7 mo.	95% 94% 33% 8 mo.	95% 95% 33% 9 mo.	

A. Definitions of Terms or Explanations for Indicators:	<p>High numbers of preliminary opinions and final opinions in 1994 and 1995 due to FEMA program which terminated in 1995.</p> <p>A significant number of previously pending takings cases with high dollar exposure were favorably resolved; indeed, many of these case outcomes were outright dismissals of the claims with no liability at this time. Examples of such include: Coggeshall Development v. United States, \$25 million; Holden v. United States, \$62.4 million; Bell v. United States, \$23 million; State of Alaska v. United States, \$2.5 billion; Boyd v. United States, \$1 billion; Funks v. United States, \$575 million; Laracy v. United States, \$50 million; Lucky Strike Mining v. United States, \$100 million; and, Last Chance Mining v. United States, \$40 million.</p>
B. Factors Affecting FY 96 Program Performance.	<p>Government shutdowns and budget uncertainty: Due to budget constraints, WMP has discontinued trying Migratory Bird Treaty Act cases in the USAOs; Efficiency measures for WMP will not be available until late spring when the US Sentencing Commission Report is distributed.</p>
C. Factors Affecting Selection of FY 97 and 98 Targets.	
FURTHER NOTES:	<p>* Case closings in 1994 and 1995 are disproportionately high because of a concerted effort to close our inactive case files.</p>

Environment and Natural Resources Division
Salaries and Expenses - General Legal Activities
Justification of Program and Performance
(Dollars in thousands)

	PERM.	FTE	Amount
	FOL.		
MANAGEMENT & ADMINISTRATION			
1997 Appropriation	37	45	\$4,495
1998 Base	37	45	4,654
1998 Estimate	37	45	4,654
Increase/Decrease			...

BASE PROGRAM DESCRIPTION: The Management and Administration decision unit includes the Office of the Assistant Attorney General and the Executive Office for Administration. Thus, this program provides overall direction and management to the Environment and Natural Resources Division, and supervises and administers operations necessary to support the Division's litigation mission. Responsibilities of the latter unit include: budget preparation and execution; financial management; development, operation and maintenance of management and automated support systems; workload and resource requirements analyses; recruitment; processing of personnel actions; management of space and facilities; provision of office equipment and supplies; processing mail; and the provision of messenger, copying and printing services.

In addition to overseeing the renewal of the Environmental Crimes Section, and testifying before Congress on a wide variety of matters, the Office of the Assistant Attorney General has moved aggressively this past year on a number of fronts: working with the Associate Attorney General to spearhead a Department response to the County Supremacy movement; improving Superfund enforcement by encouraging administrative settlements; prospective purchaser agreements and expanded use of Alternative Dispute Resolution (ADR); and integrating the work of the various sections into a coordinated effort. The Executive Office has also been busy: they implemented a new attorney timekeeping system; oversaw the collection of nearly \$270 million in debts owed the Government; provided modern telecommunication services to two field offices; completed a study and training in the use of VISA Cards as an alternative procurement method; provided litigation support to approximately 190

¹ The Government VISA card allows the division to delegate procurement authority directly to 200 litigators. Before VISA, only six administrative staff were authorized to purchase goods or services for (continued...)

cases and projects, including trial support which was instrumental in the highly successful outcome of the Marine Shale trial; and served as the primary participant in the Department-wide Justice Consolidated Office Network (JCON), the next generation office automation system now being implemented.

PROGRAM CHANGES: None

(...continued)
the Division.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT							
NAME OF DECISION UNIT: Management & Administration		PERFORMANCE TARGETS AND ACTUAL RESULTS					
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS					
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1996 Est.	1997 Target	1998 Target
Input	Honor Grad Applications Reviewed	1,070	794	447	800	500	500
Output or Activity	Travel Authorizations Processed	6,334	6,442	5,833	6,600	No est	No est
	Dollar Volume of Authorized Travel	\$3.6M	\$3.6M	\$3.2M	\$3.2M	No est	No est
	Purchase Orders Processed	2,245	2,181	1,935	1,600	1,000	1,000
	Visa Transactions	44	215	1,532	1,500	2,500	2,500
	Dollar Volume of Reimbursable Agreements	\$53.9M	\$55.2M	\$50.6M	No est	No est	No est
	Expert Witness Contract Actions	767	1,240	1,078	1,200	1,250	1,250
	Dollar Volume of Expert Witness Agreements	\$12.8M	\$13.2M	\$18.9M	\$12.0M	\$14.0M	\$14.0M
	Litigation Support Task Orders:						
	--ENRD	216	235	161	75	75	75
	--Non-ENRD	76	185	102	50	50	50
	Litigation Support contract funding:						
	--Superfund	\$7.3M	\$6.7M	\$5.5M	\$0.8M	\$2.0M	\$2.0M
	--Appropriated	\$6.1M	\$6.1M	\$3.5M	\$0.7M	..	..
	--Reimbursable	\$11.9M	\$14.9M	\$12.0M	\$12.0M	\$10.0M	\$10.0M
	--Other Divisions*	\$8.0M	\$8.2M	\$11.1M	\$8.0M	\$4.0M	\$4.0M
	--Miscellaneous	\$0.8M	\$0.3M	\$1.1M	\$0.5M	\$0.5M	\$0.5M
		\$34.1M	\$36.2M	\$33.2M	\$22.0M	\$16.5M	\$16.5M
	Honor Grads Interviewed	293	130	57	122	220	220
Inter-mediate Outcome	Money collected on debts owed the U.S.	\$190 M	\$247M	\$270M	No est	No est	No est
	Money owed/collected in Citizen Suits	\$1.9M	\$0.3M	\$0.2M	\$ 0.5M	No est	No est

End Outcome							
Productivity/Efficiency	Percent of Honor Grads Accepting Job Offer	100%	81%	71%	75%	90%	90%
A. Definitions of Terms or Explanations for Indicators:							
Other divisions -- This category reflects those instances when our contracts are used as a vehicle for another DoJ entity's work, i.e., no work is performed on behalf of the ENRD, and the billing is direct to that entity.							
B. Factors Affecting FY 96 Program Performance.							
Government shutdowns and budget uncertainty.							
C. Factors Affecting Selection of FY 97 and 98 Targets.							
None known.							

Environment and Natural Resources Division
Salaries and Expenses - General Legal Activities
Financial Analysis of Program Changes
(Dollars in thousands)

Item	Appellate & Policy		Environmental Protection		Total	
	Policy, Legislation and Social Litigation		Environmental Crimes			
	Positions	Amount	Positions	Amount	Positions	Amount
OS/DE-14.....	1	\$62	2	\$133	3	\$195
OS-11.....	1	27	2	53	3	80
OS-10.....	1	27	2	53	3	80
Total positions and annual rate.....	3	116	6	239	9	355
Leave (-).....	1	62	3	132	4	194
Other Personnel Compensation.....		1	1	1	2	2
Total, workyears and personnel compensation.....	2	63	3	134	5	197
Transportation.....		11		23		34
Travel.....		11		23		34
Transportation of persons.....		2		4		6
Transportation of things.....		23		45		68
OS/DE-14.....		2		9		11
Rent, Communications & Utilities.....		2		4		6
Printing.....		62		509		571
Supplies and Materials.....		2		4		6
Equipment.....		18		36		54
Total, program workyears and obligations charges required, 1998.....	2	204	3	882	5	1,086

Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Priority Ranking
 (Dollars in Thousands)

<u>Base Program</u>		<u>Program Increase</u>	
<u>Program</u>	<u>Ranking</u>	<u>Enhancement</u>	<u>Ranking</u>
Environmental Protection	1	Environmental Protection	1
Natural Resources	2	Appellate & Policy	2
Appellate & Policy	3		
Management & Administration	4		

Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

	1996			1997			1998		
	Author- ized	Reim- burable	Total	Author- ized	Reim- burable	Total	Author- ized	Reim- burable	Total
Attorneys (905)	302	127	429	302	127	429	305	127	432
Paralegal Specialists (950)	45	39	84	45	39	84	48	39	87
Other legal and kindred (900-998)	18	...	18	18	...	18	18	...	18
General Admin. and Clerical (300-399)	77	76	153	77	76	153	80	76	156
Accounting and Budget (500-599)	4	...	4	4	...	4	4	...	4
Business and Industry Group (1100-1199) ..	3	...	3	3	...	3	3	...	3
Total	449	242	691	449	242	691	458	242	700
Washington	419	230	649	419	230	649	428	230	658
U.S. Field	30	12	42	30	12	42	30	12	42
Total	449	242	691	449	242	691	458	242	700
WFO Positions	90	...	90	90	...	90	90	...	90
Supervisors	4	...	4	4	...	4	4	...	4
Personnel Specialists	1	...	1	1	...	1	1	...	1
Budget Specialists	4	...	4	4	...	4	4	...	4
Accountants and Auditors	2	...	2	2	...	2	2	...	2
Acquisition Specialists	37	...	37	37	...	37	37	...	37
Headquarters Staff									

Environment and Natural Resources Division
Salaries and Expenses - General Legal Activities
Summary of Attorney and Support Positions by Category
(Dollars in thousands)

Appropriated Positions

	1997 Appropriation Enacted			1998 Program Changes			1998 Request		
	Attorneys Pos.	Support FTE	Total FTE	Attorneys Pos.	Support FTE	Total FTE	Attorneys Pos.	Support FTE	Total FTE
Appellate & Policy	31	4	37	40	1	41	32	8	40
Environmental Protection	145	76	221	230	2	232	147	80	227
Natural Resources	114	40	154	161	...	...	114	40	154
Management & Admin.	11	5	16	15	...	...	12	15	27
Total	302	137	440	476	3	479	300	152	452

Reimbursable Positions

	1997 Appropriation Enacted			1998 Program Changes			1998 Request		
	Attorneys Pos.	Support FTE	Total FTE	Attorneys Pos.	Support FTE	Total FTE	Attorneys Pos.	Support FTE	Total FTE
Appellate & Policy	4	1	5	5	...	...	4	1	5
Environmental Protection	121	83	204	204	...	...	121	83	204
Natural Resources .....	...	...	...	...	...	...	...	...	...
Management & Admin.	2	31	33	33	...	...	2	31	33
Total	127	115	242	242	...	...	127	115	242

Total Positions

	1997 Appropriation Enacted			1998 Program Changes			1998 Request		
	Attorneys Pos.	Support FTE	Total FTE	Attorneys Pos.	Support FTE	Total FTE	Attorneys Pos.	Support FTE	Total FTE
Appellate & Policy	35	7	42	45	1	46	36	9	45
Environmental Protection	266	159	425	434	2	436	268	82	350
Natural Resources	114	40	154	161	...	...	114	40	154
Management & Admin.	14	56	70	78	...	...	14	56	70
Total	429	262	691	718	4	722	433	267	700

Environment and Natural Resources Division
 Salaries and Expenses, General Legal Activities
 Summary of Change
 (Dollars in thousands)

	Per-	Amount
	MI	
	476	\$38,049
Adjustments to Base:		
1997 Appropriation Enacted	449	
Increases:		
1996 Pay Raise	...	917
1996 Merit Increase	...	311
1996 Health Insurance	...	543
1996 Life Insurance	...	1
Travel: Mileage Allowance Rate	...	21
Correspondence Management System	...	2
Investigation/reinvestigation	...	233
General pricing level adjustment	...	2,058
Total Increases	...	2,058
Total, Adjustments to Base	...	2,058
1998 Base	449	60,107
Program Increases (See Program Narrative for Details)	...	...
1998 Estimate	458	61,200

Environment and Natural Resources Division
Salaries and Expenses - General Legal Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1998 Actual		1997 Estimate		1998 Estimate		Increase/Decrease	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
Executive level 1, \$148,400	1	1	1	1	1	1	...	...
ES-5, \$115,100	1	1	1	1	1	1	...	...
ES-4, \$108,600	10	10	10	10	10	10	...	...
ES-3, \$104,900	2	2	2	2	2	2	...	...
ES-2, \$100,300	2	2	2	2	2	2	...	...
ES-1, \$95,700	1	1	1	1	1	1	...	...
GS-15, \$75,691	200	200	200	200	200	200	...	...
GS-14, \$64,347	43	43	43	43	46	46	3	3
GS-13, \$54,453	34	34	34	34	34	34	...	...
GS-12, \$44,792	40	40	40	40	46	46	6	6
GS-11, \$38,207	3	3	3	3	3	3	...	...
GS-10, \$34,775	13	13	13	13	13	13	...	...
GS-9, \$31,578	11	11	11	11	11	11	...	...
GS-8, \$28,599	31	31	31	31	34	34	3	3
GS-7, \$25,813	10	10	10	10	10	10	...	...
GS-6, \$23,571	8	8	8	8	8	8	...	...
GS-5, \$20,649	5	5	5	5	5	5	...	...
GS-4, \$18,628	...	...	...	...	...	...	...	...
GS-3, \$16,594	...	...	...	...	...	...	...	...
1997 Pay raise	...	...	...	...	...	...	...	...
1998 Pay raise	...	...	...	...	...	...	...	...
Total appropriated positions	459	\$22,196	459	\$22,921	458	\$22,828	9	\$1,702
Positions at fixed annual rates	...	...	...	...	...	...	...	...
Leaves	14	101	...	...	14	101	...	...
Savings due to lower net pay scales for part of year	...	...	...	...	...	...	...	...
Net full time permanent	463	27,297	449	27,468	454	28,919	5	1,451
Other than permanent:	...	...	...	...	...	...	...	...
Other part-time and intermittent employment*	18	3,754	27	5,948	27	4,349	...	401
Other permanent compensation:	...	...	...	...	...	...	...	...
Over time	...	329	...	329	...	329	...	...
Special personal services payments	12	143	12	143	12	160	...	17
Total, salaries and personnel compensation	493	31,983	488	32,388	493	34,417	5	2,029
Average GS Salary	...	107,888	...	107,888	...	112,264	...	...
Average GS Salary	...	57,376	...	58,175	...	60,175	...	...
Average GS Grade	...	12.3	...	12.3	...	12.3	...	...

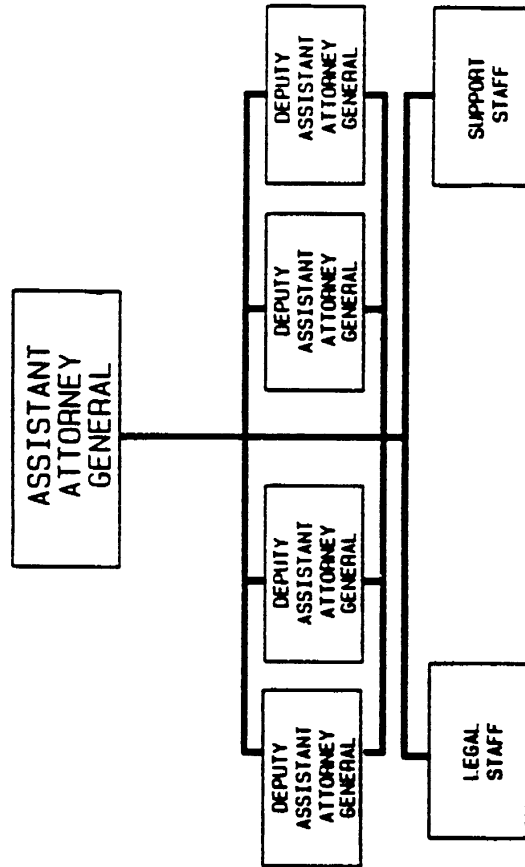
* Part-time positions have been reduced because EMB is no longer hiring students for summer jobs and has reduced the number of summer law clerks from 35 to 9.

Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1976 Actual	1977 Estimate	1978 Estimate	Increase/Decrease
11.1 Full-time permanent	11	11	11	0
11.2 Other than full-time permanent*	53	53	46	7
11.3 Other personnel compensation	18	3,754	3,945	191
11.5 Other personnel compensation	12	472	472	0
11.6 Special personnel services payments	12	472	472	0
Total	493	31,983	32,388	405
Reimbursable workyears:				
Full-time permanent	[242]	[242]	[242]	[...]
Other objects:				
12 Benefits	7,304	7,413	7,691	278
13 Unemployment	36	36	36	0
14 Printing	2,345	2,126	2,181	55
22 Transportation of things	203	456	463	7
23.1 GSA Rent	5,884	6,006	6,074	68
23.2 Other Rent	79	79	79	0
23.3 Communications utilities and misc charges	1,863	1,863	1,876	13
24 Printing	250	286	292	6
25.1 Consulting and assistance services	5	5	5	0
25.2 Other Services	4,461	4,280	4,867	586
25.3 Services Purchases from Government Accounts	2,091	2,234	2,323	89
26 Supplies	524	461	467	6
31 Equipment	959	363	517	154
Total obligations	493	58,118	61,200	3,082

* Part-time positions have been reduced because EMO is no longer hiring students for summer jobs and has reduced the number of summer law clerks from 35 to 9.

OFFICE OF LEGAL COUNSEL



[Signature] Date: 1/23/12
JAMES E. GAO
Attorney General

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**Office of Legal Counsel
Salaries and Expenses, General Legal Activities
Summary of Requirements
(Dollars in Thousands)**

Adjustments to Base:		Perm. Pos.	Work- Years	Amount
1997 As enacted		37	41	4,255
Increases:				
1998 Pay Raise				
Annualization of 1997 Pay Raise		...	...	70
Within-grade Increases		...	...	24
Correspondence Management System		...	...	27
General Pricing Level Adjustments		...	...	8
Total Mandatory Increases		...	...	129
1998 base				
		37	41	4,385

Summary by Division	1998 AS ENACTED				1997 Anticipated Increase				1998 ESTIMATE				1998-1999 Increase			
	PERM POS.	XX	AMOUNT	XX	PERM POS.	XX	AMOUNT	XX	PERM POS.	XX	AMOUNT	XX	PERM POS.	XX	AMOUNT	XX
6. Legal Counsel	37	41	\$4,016	37	36	\$4,090	37	41	\$4,255	37	41	\$4,385	37	41	\$4,514	41

Office of Legal Counsel
Salaries and Expenses
Program Performance Information

MISSION:

To assist the Attorney General in her role as legal adviser to the Executive Branch, and to provide timely, thorough and reliable legal advice in response to requests from the President, the White House staff through the Counsel to the President, the Attorney General, Justice Department components and Executive Branch agencies.

ORGANIZATIONAL GOALS:

To provide general legal advice to the President and Executive Branch agencies.

To resolve Intra-Executive Branch disputes over legal questions.

To advise other components of the Department of Justice where litigation or proposed legislation raises constitutional issues or other issues of general concern to the Executive Branch.

To testify and prepare testimony in connection with pending legislation of interest to the Department and the Administration, and to assist in the drafting of legislation.

To approve the form and legality of Executive Orders and Orders of the Attorney General.

Office of Legal Counsel
Salaries and Expenses
Justification of Program Performance
(Dollars in Thousands)

Legal Opinions	Perm.	FTE	Amount
1997 Appropriation Anticipated	37	41	\$4,255
1998 Base	37	41	4,385
1997 Estimate	37	41	4,385
Increase/Decrease	0	0	0

BASE PROGRAM DESCRIPTION:

The authority for the Office of Legal Counsel' (OLC) is provided in 28 C.F.R. 0.25. The principal duty of OLC is to assist the Attorney General in the role as legal adviser to the President and Executive Branch agencies and as arbiter of legal disputes within the Executive Branch. OLC also provides general legal assistance to other components of the Department, especially where litigation or proposed legislation raises constitutional issues or general issues of executive authority. It reviews for form and legality all Executive Orders and Proclamations proposed by the President, as well as all proposed Orders of the Attorney General and all regulations requiring Attorney General approval. In addition, OLC is also involved in coordinating the work of the Department regarding treaties, executive agreements and international organizations, and performs a variety of special assignments referred to the Office by the Attorney General, the Deputy Attorney General or the Associate Attorney General. The Office also has responsibility for advising the Office of Government Ethics on matters of law in the area of conflict of interest.

At the direction of the Attorney General and the Deputy Attorney General, OLC has convened meetings of General Counsels' consisting of the general counsels of the principal Executive Branch components and chaired by OLC. This group has been and will be utilized to improve coordination and consistency in handling important legal issues of concern through the Executive Branch, particularly legal matters bearing upon the President's constitutional responsibilities and authority.

Currently, it is a rare occasion that requests are considered appropriate for formal Attorney General opinions, which are drafted in OLC and reviewed, revised and approved by

the Attorney General. Instead, requests result in the preparation of legal opinions signed by the Assistant Attorney General or one of the Deputies based upon the research of one or more of the Office's staff attorneys. Other requests result in the provision of oral advice to the client agency. Since 1977, at the direction of the Attorney General, this Office has published selected formal opinions. Volumes covering the years 1977 through 1987 have been issued. Softbound volumes covering the years 1988 through 1992 have been issued as preliminary prints. Production of hardbound editions for these years is pending. OLC has released in looseleaf form the opinions of the Office from 1993 through April 1995 as an interim measure preliminary to publication in hard-bound volumes.

OLC's role in the Department's legislative program has increased dramatically in recent years, and includes drafting legislative opinions, testimony, and preparation of Presidential signing statements. OLC has taken a major role in either testifying or preparing testimony in connection with pending legislation of interest to the Department and the Administration, and has assisted in the drafting of legislation.

In addition, because of its expertise in certain areas, OLC has assumed an on-going advisory role to other Department components, including to the Solicitor General and the litigating divisions on issues relating to separation of powers, executive privilege, national security matters, federalism, and immigration matters.

OLC generally does not initiate any programs nor does it have control over the volume of its work. The work results from requests for opinions and legal advice from the President, the White House staff through the Counsel to the President, the Attorney General, members of the Cabinet and heads of Executive Branch agencies and other Department of Justice officials.

ACCOMPLISHMENTS AND WORKLOAD:

Items	1995	1996	Estimates	
			1997	1998
Executive Orders and Proclamations	96	98	112	115
Opinions	1,239	1,248	1,258	1,268
Intradepartmental Opinions	2,737	2,970	2,980	2,990
Special Assignments	2,325	2,320	2,325	2,330

EXPLANATION:

The "Opinions" category is an estimate of advice given to the White House, OMB and other Executive Departments and agencies. It includes both written and oral advice as well as responses to requests for information.

The "Intradepartmental Opinions" category is an estimate of informal advice, formal opinions, and bill comments given to the Office of the Attorney General as well as other Departmental Units.

The "Executive Orders, Proclamations" category includes Orders reviewed by OLC for formal and legality, often on an expedited basis.

The "Special Assignment" category is an estimate of a number of different matters which consist of administrative matters, including responses to oral requests for information and referral, and citizen inquiries as well as review of Freedom of Information Act and Privacy Act requests.

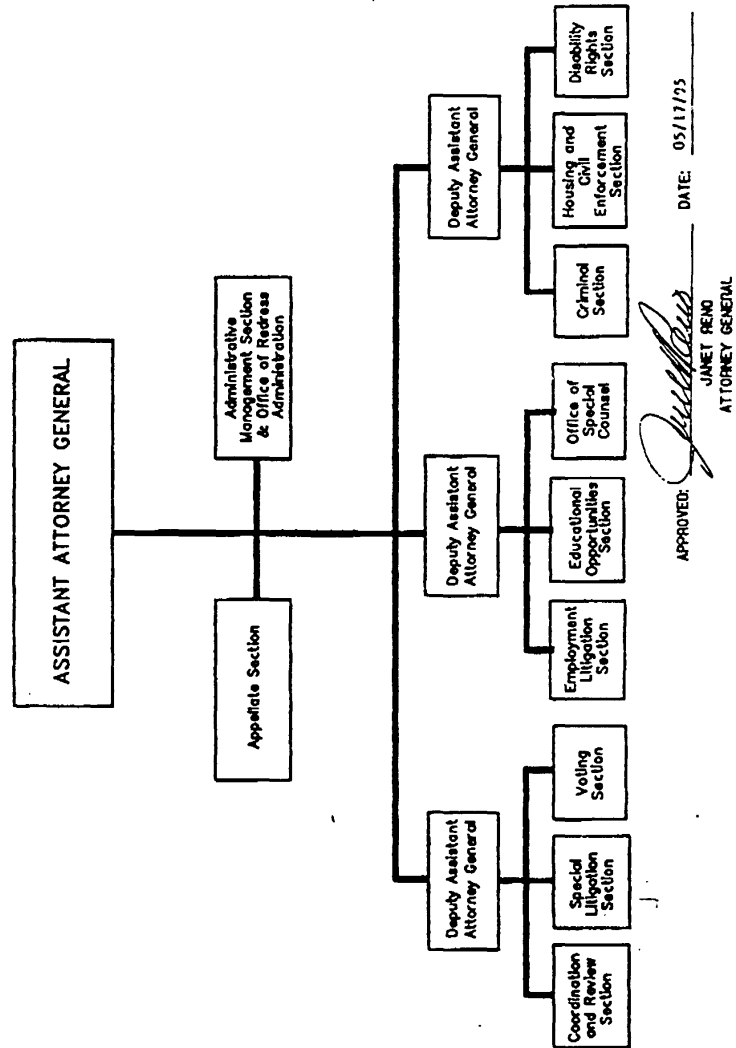
Office of Legal Counsel
Salaries and Expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996 Authorized	1997 Request	1998 Estimate
Attorneys (905)	22	22	22
Paralegal Specialist (950)	4	4	4
Secretaries	8	8	8
General Administrative, clerical & office svc. (300-399)	3	3	3
Total	37	37	37
Washington	37	37	37
Total	37	37	37

Office of Legal Counsel
Salaries and Expenses
Summary of Requirements by Grade and Object Class

Object Class	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Wys	Amount	Wys	Amount	Pos & Wys	Amount	Pos & Wys	Amount
11.1 Total workyears & personnel compensation	32	\$2,293	37	\$2,644	37	\$2,720	0	\$76
11.3 Other than full-time permanent	4	158	4	163	4	176	0	13
11.5 Other personnel compensation	0	72	0	60	0	62	0	2
11.8 Special personal services payments	0	0	0	0	0	0	0	0
Total	36	2,523	41	2,867	41	2,958	0	91
Other Object Classes:								
12.0 Personnel benefits	537		602			612	10	
13.0 Benefits to former personnel	7		5			6	1	
21.0 Travel and transportation of persons	31		14			11	(3)	
22.0 Transportation of things	22		4			21	17	
23.1 GSA rent	487		465			469	4	
23.3 Comm., util., & other misc. charges	91		89			92	3	
24.0 Printing and reproduction	24		19			14	(5)	
25.1 Advisory and assistance services	50		39			41	2	
25.2 Other services	191		98			101	3	
25.3 Purchases of goods & svcs from Gov't accounts	57		24			19	(5)	
25.7 Operation and Maintenance of Equipment	10		3			8	5	
26.0 Supplies and materials	64		19			25	6	
31.0 Equipment	2		7			8	1	
Total obligations		4,096		4,255		4,385	130	
							11-F	

CIVIL RIGHTS DIVISION



Civil Rights Division
Salaries and Expenses
Crosswalk of 1997 Changes
(Dollars in Thousands)

Activity/Program	1997 President's Budget Request			Congressional Appropriation Actions on 1997 Request			Reprogrammings			1997 Appropriation Enacted		
	Pos.	WY.	Ant.	Pos.	WY.	Ant.	Pos.	WY.	Ant.	Pos.	WY.	Ant.
7. Civil Rights												
Federal Appellate	27	24	\$3,235	..	..	-\$409	..	..	..	27	24	\$2,828
Civil Rights Prosecution	50	49	5,328	-3	-2	-805	..	..	..	47	47	4,523
Special Litigation	34	31	3,917	..	..	-429	..	..	..	34	31	3,488
Voting Rights	82	86	8,398	..	..	-666	..	..	..	82	86	7,732
Employment Litigation	62	61	6,311	..	..	-667	..	..	..	62	61	5,644
Coordination and Review	23	22	3,017	..	..	-378	..	..	..	23	22	2,639
Housing and Civil Enforcement	98	95	10,913	..	..	-935	..	..	..	98	95	9,978
Educational Opportunities	30	31	3,103	..	..	-389	..	..	..	30	31	2,714
Disability Rights	56	69	10,234	..	..	-981	..	..	..	56	69	9,253
Office of Special Counsel	29	30	5,878	..	..	-475	..	..	..	29	30	5,403
Management	69	83	9,134	..	..	-915	..	..	..	69	83	8,219
and Administration	560	581	69,468	-3	-2	-7,049	..	..	..	557	578	62,419
Total												

Congressional Appropriation Actions on 1996 Request

This column displays reductions to base level funding and program increases not approved Congress.

**Civil Rights Division
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)**

	1987 Appropriation			1988 Base			1988 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Adjustments to Base:												
1987 Appropriation Enacted	27	24	\$2,826	27	24	\$2,948	27	24	\$2,948	...	...	...
Increases (automatic, non-policy)	47	47	4,523	47	47	4,929	50	49	5,192	3	2	\$263
Decreases (automatic, non-policy)	34	31	3,488	34	31	3,626	34	31	3,626	...	...	...
1988 Base	82	86	7,732	82	86	8,000	82	86	8,000	...	...	...
Program Changes (See Program Narratives for details)	62	61	5,644	62	61	5,862	62	61	5,862	...	...	...
1988 Estimate	23	22	2,839	23	22	2,745	23	22	2,745	...	...	...
	98	95	9,978	98	95	10,210	98	95	10,210	...	...	...
	30	31	2,714	30	31	2,828	30	31	2,828	...	...	...
	56	60	9,253	56	60	9,490	63	73	9,967	7	4	477
	29	30	5,403	29	30	5,523	28	30	5,523	...	...	...
	69	83	8,219	69	83	8,528	78	88	10,546	10	5	2,018
Total	557	579	62,419	557	579	64,689	577	590	67,447	20	11	2,758
Estimates by budget activity:												
Federal Appellate	27	24	\$2,826	27	24	\$2,948	27	24	\$2,948	...	...	...
Civil Rights Prosecution	47	47	4,523	47	47	4,929	50	49	5,192	3	2	\$263
Special Litigation	34	31	3,488	34	31	3,626	34	31	3,626	...	...	...
Voting Rights	82	86	7,732	82	86	8,000	82	86	8,000	...	...	...
Employment Litigation	62	61	5,644	62	61	5,862	62	61	5,862	...	...	...
Coordination and Review	23	22	2,839	23	22	2,745	23	22	2,745	...	...	...
Housing and Civil Enforcement	98	95	9,978	98	95	10,210	98	95	10,210	...	...	...
Educational Opportunities	30	31	2,714	30	31	2,828	30	31	2,828	...	...	...
Disability Rights	56	60	9,253	56	60	9,490	63	73	9,967	7	4	477
Office of Special Counsel	29	30	5,403	29	30	5,523	28	30	5,523	...	...	...
Management and Administration	69	83	8,219	69	83	8,528	78	88	10,546	10	5	2,018
Total	557	579	62,419	557	579	64,689	577	590	67,447	20	11	2,758

Civil Rights Division
 Salaries and Expenses, General Legal Activities
 Summary of Proposed Program
 (Dollars in thousands)

Estimates by Program	1996 as Enacted			1997 Appropriation			1998 Base			1998 Estimate			Increase/Decrease		
	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
Federal Appellate	27	24	\$2,827	27	24	\$2,818	27	24	\$2,806	27	24	\$2,948	27	24	\$2,948
Civil Rights Prosecution	47	47	6,526	47	47	6,505	47	47	4,523	47	47	4,929	50	48	5,192
Special Litigation	34	31	3,481	34	31	3,481	34	31	3,488	34	31	3,626	34	31	3,626
Voting Rights	82	86	7,751	82	86	7,728	82	86	7,732	82	86	8,000	82	86	8,000
Employment Litigation	62	61	5,848	62	61	5,830	62	61	5,844	62	61	5,862	62	61	5,862
Coordination and Review	23	22	2,641	23	22	2,631	23	22	2,639	23	22	2,745	23	22	2,745
Housing and Civil Enforcement	46	45	2,975	46	45	2,967	46	45	2,976	46	45	3,010	46	45	3,010
Education Opportunities	36	35	2,975	36	35	2,967	36	35	2,976	36	35	3,010	36	35	3,010
Disability Rights	56	58	9,294	56	58	9,283	56	58	9,283	56	58	9,480	56	58	9,480
Office of Special Counsel	29	30	5,425	29	30	5,405	29	30	5,403	29	30	5,523	29	30	5,523
Management and Administration	69	83	8,233	69	83	8,210	69	83	8,219	69	83	8,528	79	86	10,546
Total	557	579	64,546	557	579	64,347	557	579	62,419	557	590	67,417	577	590	67,417
Reimbursable Workyears	6			6			10			10			10		
Travel Workyears	585			587			588			588			588		
Other workyears	4			4			4			4			4		
Overtime	585			587			588			588			588		
Total compensable workyears	1,152			1,158			1,160			1,160			1,160		

Civil Rights Division
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Collections by Source	1998 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
Bureau of Prisons		\$241		\$198		\$198		\$0
Immigration and Naturalization Service		358		323		323		0
Federal Bureau of Investigation		156		258		146		(112)
Drug Enforcement Administration		52		58		58		0
US Attorneys		66		73		20		(63)
US Marshal Service		79		82		82		0
Community Relations Service		2		2		2		0
US Trustees		0		101		1		(100)
Office of Justice Programs		2		2		2		0
Justice Management Division		0		3		3		0
Office of Inspector General		2		3		3		0
Community Oriented Policing Service		0		0		0		0
Environmental Protection Agency		125		0		0		0
Department of Education		25		0		0		0
Asset Forfeiture Fund		0		0		0		0
Budgetary Resources	8 *	8 *	1,112	10 *	1,103	10 *	838	0
							0	(265)

*Positions and workyears cannot be isolated to individual activities and are devoted solely to support salaries and administrative costs associated with the processing of Equal Employment Opportunity complaints by the Civil Rights Division's Complaint Adjudication Office.

Note: Estimates for 1997 include reimbursement for services conducted by the Division for other Departmental components and are not included in the 1998 request

Civil Rights Division
Salaries and Expenses, General Legal Activities
Program Performance Information
Government Performance and Results Act Requirements

Mission: To vindicate the constitutional and Federal rights of persons who have been subjected to discrimination on the basis of race, color, gender, disability, religion, familial status, and national origin and, in so doing, to deter others from engaging in discrimination.

General Goals:

1. To significantly reduce police and other official criminal misconduct and to eliminate or substantially reduce violent activity by private citizens (including organized hate groups) against others because of their race, religion, national origin, or gender.
2. To prevent and eliminate systemic barriers to the full participation in the electoral process.
3. To eliminate discrimination in employment, housing opportunities and credit transactions, and educational opportunities.
4. To protect the constitutional and statutory rights of institutionalized persons.
5. To ensure that public services, programs and activities do not discriminate on the basis of disability and to ensure that public accommodations are available to persons with disability.
5. To eliminate immigration-related unfair employment practices.

Civil Rights Division
Salaries and Expenses, General Legal Activities
Justification of Program and Performance
 (Dollars in Thousands)

	Perm. Pos.	FTE	Amount
Federal Appellate			
1997 Availability	27	24	\$2,826
1998 Base	27	24	2,948
1998 Estimate	27	24	2,948
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: This program has primary responsibility for handling the Division's work before the U.S. Supreme Court and the courts of appeals, for giving legal advice to federal agencies and other organizations within the Department and the Division, and for resolving appeals of decisions rendered by the Division's Office of Redress Administration. Most of our work consists of preparing briefs and presenting oral arguments in the courts of appeals and preparing briefs for filing in the Supreme Court in civil rights cases in which the United States participates as a party or as amicus curiae. These tasks require a thorough and independent examination of the entire record and the relevant legal authorities in each case.

The Appellate Section's caseload and productivity has been increasing steadily over the past few years. In fiscal year 1995, we produced 112 briefs and other papers of substance for filing in the courts of appeals and the Supreme Court; a significant increase over 83 such filings in fiscal year 1994, 78 in fiscal year 1993, and 66 in fiscal year 1992. In fiscal year 1996, we filed 124 briefs and other substantive papers involving civil rights matters in the courts of appeals and the Supreme Court -- more than in any year in the last 10 years. In addition, Civil Rights Division attorneys participated in 29 oral arguments before the courts of appeals.

This increased workload at the appellate level results from increased litigation in the Division's trial sections, as well as at the Department of Housing and Urban Development (HUD). The Fair Housing Amendments Act of 1989 vastly increased the Department's litigation authority and, for the first time, authorized HUD to litigate fair housing cases before administrative law judges. This section handles the appeals from district court decisions resulting from the Division's litigation, and petitions for review and enforcement of HUD administrative decisions before the Fifth Circuit. In addition, the Division has been successful in securing access to clinic entrances Act, the National Voter Registration Act, and the Americans with Disabilities Act has also increased our responsibilities. In addition, litigation and appellate activity has increased as a result of Supreme Court decisions in the voting area. We expect all of these trends to continue in fiscal years 1997 and 1998.

Of 46 decisions on the merits this fiscal year, we have won full or partial victories in 31 (67%). Some of our more significant victories include:

United States v. Commonwealth of Virginia (VII). The Supreme Court held that the Commonwealth of Virginia's exclusion of women from the Virginia Military Institute violated the Equal Protection

Clause, and that the remedy of providing women a separate program at Mary Baldwin College did not cure the violation.

O'Connor v. Consolidated Coin Caterers. The Supreme Court held that a plaintiff may make out a prima facie case of age discrimination by showing that the replacement worker was substantially younger than the plaintiff, proof that plaintiff was replaced by someone outside the protected class is not required.

United States v. Soderma and United States v. Wilson. The Seventh Circuit upheld the constitutionality of the Freedom of Access to Clinic Entrances Act.

Markin v. State of Michigan. The Sixth Circuit held that Michigan's zoning law prohibiting the location of a licensed group home for persons with handicaps within 1,500 feet of another such home and requiring the notification of communities of the proposed licensing of the group home violates the Fair Housing Act.

United States v. Cannon and United States v. Dunnaway & Van Cleave. The Eighth Circuit affirmed the sentences and conviction of a group of Skinheads who attacked an African American man who was sitting in a public park.

	Perm. Pop.	FTE	Amount
Civil Rights Prosecution			
1997 Availability	47	47	\$4,523
1998 Base	47	47	4,929
1998 Estimate	50	49	5,192
Increase/Decrease	3	2	263

BASE PROGRAM DESCRIPTION: This Section is responsible for the investigation and prosecution of violations of federal criminal civil rights statutes which were designed to protect personal liberties, including:

Two statutes, passed during Reconstruction and amended in 1983, that prohibit persons from acting under color of law, or in conspiracy with others, to interfere with an individual's federally protected rights;

Criminal provisions of the Civil Rights Act of 1968, which prohibit using force or threats of force to injure or intimidate any person involved in the exercise of certain federal rights and activities;

A law which proscribes interference with persons in the exercise of their religious beliefs and the destruction of religious property. On July 3, 1996, the President signed a bill passing the Church Arson Prevention Act of 1996, which amended 18 U.S.C. §247 to strengthen the criminal law against church burning and desecration. The bill lessened the interstate commerce requirement, added a racial motive element, and eliminated a \$10,000 damage requirement.

Criminal provisions of the Freedom of Access to Clinic Entrances Act ("FACE"), which prohibit conduct intended to injure, intimidate or interfere with persons seeking to obtain or to provide reproductive health services; and,

Other statutes that prohibit the holding of individuals in peonage or involuntary servitude.

Since June of 1996, at the direction of the President and the Attorney General, efforts have been directed to establish the National Church Arson Task Force (NCATF) to address the recent rash of fires across the nation, at many predominately black churches, as well as coordinating the investigation and prosecution of arsonists, dissemination of information to the public and developing initiatives to help mitigate losses, heal communities and strengthen prevention efforts. Thus far, approximately 328 incidents of fire at houses of worship occurring since January of 1995 have been reported to the Task Force. Almost half of the 328 fires have been at African-American churches; of the fires at African-American churches, approximately 80 percent have been in the South. Since 1995, arrests, both local and federal, of 443 suspects have been made in connection with the church fires. Of these, 100 have been charged with violating federal civil rights, two former Ku Klux Klan members were charged and ultimately pled guilty to violating federal civil rights, two conspirators in arson statutes in connection with the June 21, 1995, arson of the Macedonia Baptist Church in Bloomville, South Carolina. These charges followed guilty pleas from two other former Klan members to burning the Macedonia Baptist Church as well as the Mt. Zion AME Church in Greeleyville, South Carolina. Additionally, the first case charging 18 U.S.C. § 247 under the amended statute was filed during 1996 in connection with the burning of the Church of God of Prophecy in Dyersburg, Tennessee. Recently, the defendant in that case pled guilty to the 1996 Church Arson Protection Act for this church fire. In another case in Las Vegas, Nevada, one defendant recently pled guilty to violating the Church Arson Protection Act in connection with an arson at the Church of Christ Church in Henderson, Nevada.

During fiscal year 1996, the Section received over 10,000 complaints alleging criminal interference with civil rights, approximately 2,600 requiring investigation by the Federal Bureau of Investigation. A substantial majority of the complaints involved allegations of official misconduct, especially allegations of physical abuse by law enforcement officers. This year, 6 new investigations were presented to the grand jury and resulted in 12 indictments. In 1995, 128 indictments were returned against 22 defendants. The conviction of 22 defendants and the acquittal of 14. In addition, guilty pleas from 85 defendants, in conjunction with trial convictions, resulted in a success rate of 83%.

Police and other official misconduct, which constitutes the majority of the complaints reviewed by the Section, continued to receive our attention in 1996. These officials, including police officers, deputy sheriffs, state and federal prison correctional officers, an INS detention enforcement officer, and a state magistrate, were charged with having used their positions to deprive individuals of constitutional rights, such as the right to be free from unwarranted assaults, illegal arrests and searches. For example, the former Warden of the Pearl River County Jail in Mississippi has been charged with raping and/or sexually abusing women prisoners who were in his custody and the Florence, Alabama, Chief of Police pled guilty to assaulting two burglary suspects by pointing a revolver at each of them during questioning and pulling the trigger at least twice knowing the gun was loaded with only blanks. In California, an inspector with the Immigration and Naturalization Service at San Isidro was recently sentenced to 9 years in prison for his guilty plea to charges relating to the sexual assault of a foreign national who was appealing the confiscation of her border crossing card. After the assault, the defendant returned the victim's border crossing card to her and offered to obtain border crossing cards for her children if she agreed to see him

again. In several other cases, an INS Detention Enforcement officer was convicted and subsequently sentenced to 21 months in prison for using excessive force against an unconscious and handcuffed detainee by striking him in the face and repeatedly throwing him against the wall inside a cell at Terminal Island Detention Center in San Pedro, California; a former deputy sheriff with the Douglas County Sheriff's Department in Georgia, was sentenced to 37 months in prison after pleading guilty to kicking a handcuffed arrestee while in the garage area of the local jail; and a correctional officer at the Federal Medical Center in Lexington, Kentucky, was sentenced to 21 years in prison after being convicted on charges of sexually assaulting five female inmates. Additionally, three death penalty cases were tried by the Second Circuit as part of the INS Detention Enforcement officer's beating of a young man. The day after she reported the beating incident to the police department's internal affairs division, the woman was shot to death while standing on a street corner.

Incidents of racial/religious violence (also known as hate crimes), the reporting of which has increased substantially in the past several years, remains another priority area for prosecution, especially when hate groups are involved. During fiscal year 1996, 18 racial violence cases have been filed charging 65 defendants in connection with crimes such as cross-burnings, arson, vandalism, shootings and assault. In addition, a 100% success rate has been achieved in this area. Fifty-four defendants, including some defendants charged last fiscal year, have been victoriously prosecuted either by conviction or guilty plea. Recently, three defendants, one of whom is a racist skinhead and a member of the white supremacist group, South Bay Nazi Youth, were sentenced to life plus 50 years in prison for their conviction of a civil rights conspiracy after they drove through the streets of Lubbock, Texas, hunting African-American men, luring them to the conspirators' car and shooting the men to death. The defendant who was the driver of the car, a result of the shooting, was sentenced to life plus 50 years in prison. The defendant who was the passenger, a result of the shooting, was sentenced to life plus 50 years in prison. The defendant who was the driver of the car, a result of the shooting, was sentenced to life plus 50 years in prison. The defendant who was the passenger, a result of the shooting, was sentenced to life plus 50 years in prison. Additionally, in Kentucky, four defendants were sentenced to terms of imprisonment ranging from 28 to 110 months for their guilty pleas to charges in connection with the arson of a home owned by a white couple who had rented a room to an African-American man. Several days before the arson, one of the defendants allegedly threw bottles and shouted racial slurs at the African-American victim; four defendants, members of a neo-Nazi skinhead organization, were sentenced to terms of imprisonment ranging from 12 to 78 months after pleading guilty to conspiracy and interfering with the housing rights of an interracial couple in Richland, Mississippi, by throwing a molotov cocktail at their trailer home; and, eleven defendants were sentenced to terms of imprisonment ranging from 8 to 18 months following their guilty pleas to conspiring to interfere with housing rights in connection with two cross burnings in front of homes in which African-Americans lived in Junction City, Louisiana. Additionally, two defendants were convicted while one other defendant pled guilty to charges relating to a racially motivated shooting of three African-American men, seriously injuring one of the victims. As the victims left a bar in Fort Towson, Oklahoma, the defendant, who had earlier taunted the victims with racial epithets, followed the victims when they left the bar and shot the area by car, the defendant pled guilty to the shooting. The defendant was sentenced to life plus 50 years in prison. Additionally, in Kentucky, the victim's automobile ultimately forcing it off of the road and, four affiliates of a skinhead organization pled guilty to burning a large wooden cross in the front yard of the home of an African-American man living in a predominantly white neighborhood in Gresham, Oregon. Charges were recently filed against three skinhead members of the Nazi Low Riders, who assaulted an 18 year-old African-American man as he was getting into his car in the parking lot of a Blockbuster video rental store as well as the attack of a 16 year-old African-American male as he was walking along a street in Lancaster, California.

The Section is also tasked with enforcing the criminal provisions of the Freedom of Access to Clinic Entrances Act (FACE), whereas the Special Litigation Section within the Division enforces the civil provisions. Since the enactment of the FACE statute in May 1994, the Section has received numerous complaints of possible violations of the Act, all of which have required investigation, review and response. To date, the Section has opened 217 reproductive health care violence and obstruction investigations, 19 of which have become prosecutions. Since the charging of the first criminal FACE case in August 1994, the conviction rate has been 100%. During fiscal year 1996, two of the Section's trial attorneys devoted substantial time to various matters involving the new statute and to a Task Force staffed by attorneys from both the Criminal and Civil Rights Divisions created by the Attorney General to investigate abortion-related violence. The Task Force is working with the Michigan Attorney General's Bureau on Alcohol, Tobacco and Firearms, FBI, local law enforcement and United States Attorneys' Offices. Investigative efforts in this area are being transferred solely to the Section.

Although involuntary servitude and slavery complaints received by the Section have continued to decrease in recent years, two such cases were filed during FY 1996. In Los Angeles, California, five defendants were charged with forcibly bringing a 22 year-old Chinese national to the United States from China and subsequently forcing her to labor as a sex slave; and in Miami, Florida, an Indian husband and wife were charged and subsequently pled guilty to holding an Indian woman, who came to the United States from Bombay, India, to work as a housekeeper, in involuntary servitude. Also during FY 1996, eight Thai nationals were sentenced to terms of imprisonment ranging from two to seven years for their guilty pleas to conspiracy, involuntary servitude and harboring illegal aliens. The defendants enticed citizens from Thailand to travel to the United States by promising the victims high wages, good hours and freedom. Upon arrival in the United States, the Thai laborers were transported to a work compound where they were confined and forced to work up to 20 hours a time. The victims were housed in an apartment complex in El Monte, California, encased by razor wire and guarded by military police. The defendants used threats against the victims and threatened families to force them to continue to work in the El Monte compound. In addition, an extensive grand jury investigation was completed recently resulting in federal charges against a farm labor contractor, and three of his employees for violating civil rights, labor and immigration laws, including conspiracy, subjecting persons to involuntary servitude, extortion, and smuggling and harboring aliens.

PROGRAM CHANGES:

	<u>Pos.</u>	<u>FTE</u>	<u>Amount</u>
Civil Rights Prosecution			
Police Misconduct and			
Hate Crimes	3	2	\$263

An increase of three attorneys is crucial to continue to maintain prosecutive efforts relating to arson directed at houses of worship and violence against abortion clinics as well as to address the continued increase of police misconduct and violence against women and children. The effect of the continued increase of police misconduct and violence against women and children is to increase the burden on the Section's limited resources. The effect of the expansion of the Civil Rights Division's hate crime responsibilities relating to church arson with the enactment of the Church Arson Protection Act (which eased the severe evidentiary burdens of the statute to combat damage to religious property) as well as the transfer of the Abortion Clinic Task Force prosecutive responsibilities to the Section, will increase the number of the Section's investigations and prosecutions brought under those statutes. Additionally, the effect of the

increased public awareness nationwide of federal jurisdiction to prosecute incidents of police brutality as a result of several highly publicized incidents as well as the concomitant attention devoted to the incidence of hate crimes under reporting provisions of the Hate Crimes Statistics Act, has resulted in a continued increase in complaints received by the program.

Whether a complaint initially comes to the attention of the Section or to the FBI, all matters are reviewed by the Criminal Section. Attorneys are required to review all FBI investigations and recommend which should proceed to grand jury and potentially trial. They are responsible for directing the investigations conducted by the FBI and for reviewing the results for prosecutive merit and ultimately taking them to trial.

The simultaneous demands of presenting new matters to grand juries for indictment and of conducting those prosecutions once indictments are returned reduces the time available to review and to develop other incoming incidents that warrant prosecution. To be successfully prosecuted, complex and thorough grand jury investigations must be conducted. The victims of most official misconduct cases tend to be unsympathetic while the defendants are often well respected members of the community. As a result, virtually all of these cases require extensive and time consuming investigative efforts on the part of both lawyers and investigators. The number of grand jury investigations initiated last year was the second highest number of grand jury investigations ever initiated in one year and half of these investigations related to incidents involving official misconduct. Additionally, our attorney resources have undergone more strain in our effort to comply with Division priorities requiring greater Criminal Section attention to the more serious and complex police misconduct and hate crimes which result in serious bodily injury and death. Further, the even prosecutors currently dealing with these matters have been reduced in number. Finally, the Criminal Section and the United States Attorneys' Offices that are anticipated that during FY 1998, the responsibilities of the NCATF will be transferred solely to the Criminal Section.

The Section also has a unique function in providing a nationwide perspective in both the areas of hate crimes and official misconduct. The program has developed an expertise in the area of federal criminal civil rights laws that serves as an integral resource to U.S. Attorneys' offices which are expanding their participation in all types of criminal civil rights prosecutions. The demands upon the program responsibilities -- to provide a national perspective and uniform standards for enforcement on difficult constitutional issues and cases with a high level of community interest -- are growing and mandatory.

The Section's ability to investigate and prosecute church arson cases in compliance with the newly enacted statute in addition to investigating and prosecuting police brutality, abortion clinic violence, and violent and intimidating acts of racial hatred in a timely and effective manner will be seriously impeded without the additional requested resources. The additional resources will enhance the ability of the program to bring prosecutions against the individuals and organizations which are responsible for the violence directed against the Nation's concerns in matters that receive national attention and which are fraught with strong conflicting emotions. The program's ability to respond as quickly as possible in initiating and carrying through these prosecutions is essential in reassuring communities that the use of excessive force by law enforcement officials and racial violence are not tolerated under federal laws.

	Perm. Pos.	FTE	Amount
Special Litigation			
1997 Availability	34	31	\$3,488
1998 Base	34	31	3,626
1998 Estimate	34	31	3,626
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: The Special Litigation Section enforces a variety of federal statutes to secure and protect significant constitutional and statutory rights of the nation's citizens. Section staff protect the health and safety of tens of thousands of individuals confined in state and local institutions across the nation; ensure unimpeded access to reproductive health facilities and places of religious worship; protect citizens against a pattern or practice of police misconduct; and, prohibit discrimination in public facilities on the basis of race, religion, national origin, and disability.

The Attorney General has identified three areas of the Section's responsibilities as high priorities for the Department. She is personally involved in the Section's activities to safeguard the rights of speeches institutionalized persons and has met with the Section on multiple occasions and made a number of speeches to national audiences. The Section's institutional reform work has also remained high and the General Accounting Office has prepared a report on the Section's protection of the rights of people in mental retardation facilities. The Attorney General has also identified the Section's activities in securing access to reproductive health facilities and remedying patterns of police misconduct as critical Department activities. Section staff serve on the Attorney General's Task Force on the violence against reproductive health providers and have contributed to the Department's concerted effort to end police brutality and other police misconduct.

The specific statutes the Section enforces include:

Civil Rights of Institutionalized Persons Act (CRIPA): This Act authorizes the Attorney General to investigate conditions of confinement at certain state and local residential institutions (jails, prisons, juvenile facilities, and facilities for the mentally ill, developmentally disabled, and chronically ill) and to initiate civil suits to ensure the protection and full enjoyment of constitutional and federal statutory rights where reasonable cause exists to believe there is a pattern or practice of denying persons confined to such facilities of their rights;

Freedom of Access to Clinic Entrances Act of 1994 (FACCE): This Act authorizes the Attorney General to investigate and, where necessary, to initiate civil litigation to obtain temporary, preliminary, and permanent injunctive relief, civil penalties, and damages in cases where force or threats of force, physical obstruction, or property damage interfere with persons seeking or providing reproductive health services or where such activities interfere with the exercise of religion at places of worship;

Section 210401 of the Violent Crime Control and Law Enforcement Act of 1994: This Act authorizes the Attorney General to initiate civil litigation for patterns or practices of violations of constitutional and statutory rights by law enforcement officials;

Omnibus Crime Control and Safe Streets Act of 1968, as amended: Authorizes the Attorney General to initiate civil litigation to remedy a pattern and practice of discrimination based on race, color, national origin, gender or religion involving services by law enforcement agencies receiving federal financial assistance;

Americans With Disabilities Act of 1990 (ADA): This Act authorizes the Department to evaluate, pursuant to Title II, complaints of discrimination on the basis of disability in publicly operated residential, institutions and, where necessary, to initiate suits to ensure the protection and full enjoyment of federal statutory rights; further, the Section has asserted the Department's position that community placement is required in cases where persons have been determined that a more integrated setting is appropriate to meet the needs of institutionalized persons;

Religious Freedom Restoration Act: This Act forbids governments from "substantially burdening" religious exercise without "compelling justification." The Section enforces this Act in its CRIPA institution cases.

Title III of the Civil Rights Act of 1964: This Act prohibits discrimination in public facilities on the basis of race, religion, or national origin.

Civil Rights of Institutionalized Persons Act

Under CRIPA, the Section protects the civil rights of persons institutionalized in state or local psychiatric hospitals, nursing homes, mental retardation facilities, prisons, jails, and juvenile detention facilities. As required by CRIPA, the Section's focus is on widespread "egregious and flagrant" conditions that pose life-threatening risks to the residents of these facilities. Recent media exposure has examined the Section's work in a variety of institutional settings, including CRIPA investigations and case management. The Section's personnel conduct all investigations, site visits, statutory required pre-filing negotiations, as well as all law enforcement activities including post-judgment monitoring, compliance reviews and compliance actions. Requests to initiate new CRIPA investigations far outweigh current staff resources. In order to maximize its efforts, the Section has recently focused on securing statewide relief. For example, the Section conducted investigations of 18 jails in Mississippi, 11 jails in Georgia, all four of the state-operated mental retardation facilities in Tennessee, all 13 juvenile treatment centers in Kentucky, and 8 juvenile detention centers in Puerto Rico. These investigations alone have resulted in safe and humane conditions for thousands of institutionalized people. The Section's activities pursuant to CRIPA will be maintained to the maximum feasible extent as resources are shifted to maintain current PACS enforcement activities and further efforts are made to enforce the Police Misconduct statute.

The Section maintained a fairly constant workload over the 1984-1994 period, conducting an average of 16 institutional investigations and 35 cases per year. The Section opened 22 new CRIPA investigations of 17 facilities in FY 1995. Although the Section has not opened any new investigations since FY 1995, the investigations well exceeded the number of active investigations in prior years. Similarly, the number of facilities involved in CRIPA cases rose to 68 in FY 1996. These increases are the result of ongoing consent decrees where the jurisdiction has failed to achieve compliance, and increased unwillingness by states to correct deficiencies voluntarily, necessitating litigation. In 1995 and 1996, management initiatives to reduce supervisory review layers, reduce the burden of proof needed to initiate new investigations, and streamline investigation technique by concentrating on geographic areas where similar problems exist have

permitted the Section to expand the number of investigations. Use of preliminary injunctions early in cases has helped to avoid protracted litigation. The Section has also developed and utilized a variety of enforcement devices to expand the effectiveness of its monitoring activities and facilitate compliance with outstanding decrees. In particular, the Section has utilized advisory panels, expert advisors, monitors, and special masters to assist with monitoring, provide technical assistance, and resolve disputes between the parties.

The Section achieved significant accomplishments during FY 1986. Major enforcement actions, including new cases, have been filed pursuant to CRIPA. The Section filed new CRIPA actions to protect the rights of the mentally retarded residents at Northern Virginia Training Center, Fairfax, Virginia and to protect the rights of the mentally ill and geriatric patients at Eastern State Hospital, Williamsburg, Virginia. A consent decree was filed regarding the Memphis Mental Health Institute, Memphis, Tennessee. The Section has filed and won multiple contempt motions in *United States v. Tennessee* (N.D. Tenn.) regarding Arlington State Hospital. In *United States v. Kentucky* (S.D. Ky.), the Section has filed and won multiple contempt motions. In both cases, the Section has filed additional motions to compel compliance with the consent decrees. In addition, creative enforcement devices have been employed to facilitate compliance with outstanding decrees in a number of other states. Special monitors or special masters have been appointed pursuant to our requests.

In keeping with the Attorney General's initiatives and CRIPA's emphasis on alternative dispute resolution, the Section has utilized a variety of methods in FY 1986 to resolve CRIPA matters, including mediation. Through the use of such mediation, the parties in *United States v. Michigan* (W.D. Mi.), the Section's longest standing CRIPA consent decree, have agreed to dismiss portions of the suit dealing with sanitation, fire safety, protection from harm and access to law libraries for two of the three facilities under suit. Mediation continues in *United States v. Tennessee* (Arlington) to address persistent problems in that case. We engaged in active mediations with a magistrate in Tennessee in an attempt to avoid litigation involving three additional mental retardation facilities. Moreover, a federal district court judge offered to serve as mediator in the two recent Virginia cases which produced an agreement between the litigants.

The Section has implemented aggressively the Division's priorities and policies recognizing the rights of people with mental disabilities to grow, develop, and exercise independence and to be served in the most integrated setting appropriate to their needs under the ADA and the Constitution. These new initiatives are reflected in CRIPA findings letters, complaints, and enforcement actions. The Section also recently filed an amicus brief in *Williams v. Massachusetts* (D. Md.), setting forth the Department's position that the ADA and 14th Amendment require community placement where state professionals have determined that a more integrated setting is appropriate to meet the needs of institutionalized persons.

The Prison Litigation Reform Act (PLRA), enacted into law on April 26, 1996, significantly increased the Section's workload under CRIPA. The Act changes the standards for entering prospective relief in cases involving conditions in correctional facilities. The Section is currently investigating, litigating, or enforcing consent decrees in nearly 130 prisons, jails, and juvenile correction facilities affected by the Act. Defendants have filed PLRA motions in cases affecting a large number of these facilities and we expect many additional motions to follow. These motions have dramatically increased the Section's workload. They raise issues about the constitutionality of the Act as well as substantive aspects of consent decrees and court orders. Attorneys and paralegals often must tour the affected facilities to gather current and accurate information. Due to limited resources, other CRIPA matters have been put on hold to give priority to PLRA

cases. These CRIPA matters will have to be addressed during FY 1997. We anticipate that the DIPA will significantly increase the Section's work at least through FY 1998.

Freedom of Access to Clinic Entrances Act

In addition to its CRIPA enforcement responsibilities, Section staff handles the civil enforcement of FACE. As a result of this new authority, the Section has devoted substantial resources to the development and litigation of civil FACE cases throughout the country. Thus far, Section attorneys filed 12 FACE cases and evaluated approximately 150 complaints of threats and interferences with access to facilities offering reproductive health services. These civil FACE actions have produced a significant number of injunctions which prohibit further unlawful activity and protect patients, doctors, and staff. FACE enforcement has been a high priority within the Section.

The Section has been extremely successful in each of its civil cases, with the courts upholding FACE's constitutionality and finding that it has been challenged. The Section has secured preliminary and permanent injunctions that have brought a range of relief including buffer zones around reproductive health clinics that have been the targets of anti-abortion violence and other conduct violative of FACE.

The Section has obtained injunctions prohibiting defendants from blocking clinic driveways and entrances. Restrictions have been obtained on the use of bull horns. Injunctions order defendants to stay a certain distance from doctors, their spouses and children. In all, the Section has obtained five preliminary injunctions, six permanent injunctions, and one order of contempt. Two additional motions for contempt are pending.

In order to develop these cases, Section attorneys and paralegals have made numerous contacts with women's organizations across the country, engaged in very substantial telephone interviews of potentially aggrieved persons and worked closely with the FBI, Marshals Service and local law enforcement. If after the initial telephone interviews Section attorneys believe there is a potential FACE violation, they often supplement these interviews with on-site interviews. These on-site interviews are essential in the Section's efforts to develop cases with doctors, clinic directors, staff, patients, and law enforcement as well as assess the credibility of the witnesses and the strength of the case.

The Section remains firmly committed to investigating and prosecuting to the full extent of the law all acts of violence against those who provide and seek reproductive health services. In view of the sensitivity of this issue and the potential for violence which exists at certain clinics, this workload will continue to require immediate response by Section staff.

Pattern of Practice of Police Misconduct

The House Judiciary Committee Report¹ on the parent legislation to the Violent Crime Control and Law Enforcement Act of 1994 underscores the dramatic need for federal intervention in dealing with the issue of police misconduct. That report cites testimony from police chiefs of ten major American cities that "the

¹ Report of the House Judiciary Committee on H.R. 3171, Omnibus Crime Control Act of 1991, October 7, 1991, pp. 135-7.

problem of excessive force in American policing is real." Further testimony to that Committee underscored that "police use of excessive force is a significant problem in this country, particularly in our inner cities. Because the Department of Justice lacked pattern or practice authority to address such police misconduct, Congress granted the Department of Justice the authority to investigate and prosecute police officers for excessive force in 1994. Under that statute, the Department of Justice has been able to bring law enforcement officials and determine whether a pattern or practice of such activity exists. This statute covers a variety of concerns about police misconduct including excessive force, failure of departments to investigate officers and discipline misconduct, discriminatory harassment, stops, search, seizure and arrests, coercive sexual conduct and retaliation for the exercise of rights. The Section is also using this statute as an adjunct to its CRIPA cases in juvenile detention facilities where there is a pattern or practice of abuse by juvenile detention officers.

The Special Litigation Section has developed a plan for enforcement, specifying that it will investigate both large and small police departments based on a broad array of allegations of police misconduct. In 1996, the Section reviewed 50 complaints which culminated in four new official investigations. In view of national media attention to this problem through FY 1996 and FY 1997, an increased volume of complaints is expected through FY 1998.

Americans with Disabilities Act

In FY 1996, the Section enforced Title II of ADA involving individual complaints from jails and prisons. More than 200 complaints were evaluated in a screening process to determine whether each complaint met the requirements of the ADA statute. However, late in FY 1996, responsibility for this enforcement was reassigned to the Disability Rights Section. The Section continues to enforce ADA pattern or practice complaints regarding activities in publicly operated mental health, mental retardation, and juvenile facilities, nursing homes, and other residential institutions. The Section asserts these rights in conjunction with CRIPA cases and as AMICUS in other cases.

	Perm. FTE	FTE	Amount
Voting			
1997 Availability	82	86	\$7,732
1998 Base	82	86	8,000
1998 Estimate	82	86	8,000
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: Section staff enforce laws designed to safeguard the right to vote of racial and language minorities and members of other specially affected groups and designed to remove barriers to voter registration.

Enforcement responsibilities include:

"Voting Rights Act of 1965, which safeguards the right to vote of racial and language minorities and, in particular--

-Prohibits practices that have a discriminatory result,

*Requires federal preclearance of voting changes from specially covered jurisdictions to prevent discrimination;

*Requires the use of minority languages in the electoral process in certain areas;

*National Voter Registration Act (NVRA), which facilitates voter registration for federal elections by allowing voters to register by mail, when they obtain driver's licenses, or when they obtain services from various government agencies, and permits voter purges only under very controlled conditions;

*Uniformed and Overseas Citizens Absentee Voting Act, which provides a remedy for the late mailing of absentee ballots to members of the Armed Forces and to other citizens who are abroad.

The Section has continued its efforts to assure that minority voters have a fair opportunity to elect candidates of their choice and to defend from unfair attack redistricting plans that provide such an opportunity. Fifteen of the Section's eighteen new lawsuits in 1995 involved this issue, as did 14 of the 52 lawsuits brought in earlier years that the Section continues to litigate. In addition, more than 70% of the Section 5 objections during 1995 and 1996 have involved voting changes that adversely affected the opportunity of minority voters to elect candidates of their choice. Decisions of the Supreme Court in 1993 (*Shaw v. Reno*), in 1995 (*Johnson v. Miller*) and in June 1996 (*Shaw v. Hunt*, *Bush v. Vera*) concerning the proper consideration of race in the drawing of redistricting plans have left this area of the law unsettled, and difficult issues of policy and litigative strategy abound. Also, in Section 5 declaratory judgment actions involving the election of judges, the United States District Court for the District of Columbia disagreed with positions we advanced regarding the application of Section 5. These decisions have resulted in further litigation concerning the legal standards under the Voting Rights Act and the Constitution, and our continued active participation to assure that minority voting rights are not compromised is essential.

The need for us to participate in the redistricting cases inspired by *Shaw*, *Miller*, and *Vera* to safeguard the rights that have been won over the past 32 years and to help the courts resolve difficult issues of law and policy, limits the Section's ability to participate in other litigation. *Shaw*-type cases are complex and difficult, and large investments of staff resources are required even in those cases where we are able to avoid lengthy discovery and trials.

The Section is responsible for reviewing the thousands of voting changes submitted to the Attorney General under Section 5, for defending Section 5 litigation in court, and for bringing lawsuits to enjoin the enforcement of voting changes that have not received the required Section 5 preclearance. During 1995 and 1996, the Attorney General's objections blocked implementation of a wide variety of discriminatory changes, from annexations that dilute minority voting strength, to special elections with inadequate Spanish language procedures, to dual office holding prohibitions, to county and statewide redistricting plans, to discriminatory NVRA implementation procedures, to discriminatory redistricting guidelines. In addition to this workload, the *Shaw*, *Miller*, and *Vera* decisions have increased the difficulty of the legal and factual analysis of redistricting and related changes, and have led to an increase in requests for reconsideration of past objections, which are our most difficult analyses.

When the National Voter Registration Act (NVRA) went into effect on January 1, 1995, the Voting Section was prepared to assure nationwide compliance and filed lawsuits against California, Illinois, Pennsylvania, South Carolina, Michigan, Mississippi, and Virginia. In a stunning series of victories, the courts have

been unanimous in upholding the constitutionality of the VRA. We are building on these accomplishments to assure compliance with all facets of the new law, and issuance of VRA compliance and remedies will continue to engage the Section's litigation resources at least through 1998.

The Section continues to bring lawsuits against jurisdictions that violate the minority language provisions of the Voting Rights Act, which enable minority language voters to participate effectively in the electoral process by requiring jurisdictions to use Chinese, Navajo, Spanish and other languages. In January 1996, a federal district court remedied Alameda County, California's inadequate Chinese language election procedures by approving a consent decree, filed with our complaint in April 1995, that provides a Chinese language election information program for the county, and remedies the county's failure to employ persons who speak Chinese in the county clerk's office and as poll workers. These protections are similar to those the Section achieved for Chinese Americans in New York City through the application of Section 5 of the Act. Most recently, in May 1996, the San Juan County, New Mexico, county clerk signed a Letter of Agreement incorporating a minority language election information plan. The Agreement, which follows extensive investigations of the county's implementation of the Act's minority language requirements, provides a detailed thirteen-point plan to enable the county's Navajo residents to become full participants in the electoral process. The Agreement was mediated after consent decrees in lawsuits filed to enforce the Act's language provisions. The Section has also brought a lawsuit against the State of New Mexico, in addition to the consent decree, to monitor earlier consent decrees providing minority language election information programs to benefit Native American voters in counties in Arizona, New Mexico, and Utah, and to monitor the use of Spanish in specially covered jurisdictions through review of voting changes under Section 5.

During 1998 the Section will give priority to the following enforcement areas:

Defense of racially fair redistricting plans. Continue to defend from unjustified attack redistricting plans designed to provide minority voters fair opportunities to elect candidates of their choice and will endeavor to achieve racially fair results where courts find, following *Shaw v. Reno*, *Johnson v. Miller*, and *Rush v. Yaka*, that redistricting plans constitute unconstitutional racial gerrymanders. The Supreme Court's decisions have resulted in litigation in which we will be directly involved or in which the lower courts will need our guidance.

Enforcement of prohibition of Section 2 of the VRA against practices with a discriminatory result. Continue to uncover and remedy methods of election, anywhere in the nation that prevent blacks, Hispanics, and other minorities from having a fair opportunity to elect candidates of their choice. The Supreme Court's *Shaw*, *Miller*, and *Yaka* decisions make our efforts in this area more difficult but also more urgent.

Enforcement of Section 5 of the VRA. Continue to review thousands of voting changes submitted under Section 5 and object to those found to be discriminatory, to bring enforcement lawsuits against jurisdictions using voting practices or procedures to which Section 5 objections have been interposed or for which the jurisdictions have not sought needed Section 5 preclearance, and to defend Section 5 declaratory judgment actions. The difficulty and importance of this responsibility has been magnified by Supreme Court's *Shaw*, *Miller*, and *Yaka* decisions and the recent restrictive decisions of the D.C. court.

Enforcement of the minority language requirements of the VRA. Continue to investigate covered jurisdictions and bring lawsuits where necessary to assure that minority language United States citizens who rely on Spanish, Chinese and other Asian languages, and American Indian and Native Alaskan languages have

the same opportunity to participate in voting-related activities as English-speaking voters. The 1992 extension and expansion of the minority language requirements through the enactment of the Voting Rights Language Assistance Act of 1992 reflects a renewed congressional mandate in this area, which we will continue to fulfill.

Enforcement of the NVRA. The resolution of our initial NVRA litigation has made clear the authority of Congress to enact the NVRA, and the Section will continue to seek judicial relief against states that resist full compliance. The NVRA has been successful beyond the most optimistic predictions of its proponents in increasing the number of U.S. citizens registered to vote, and we must continue to be able to react quickly to violations. Because of the complexities of the NVRA and the legal issues that will arise with respect to the NVRA and its relationship to state law and the VRA, we expect to remain heavily involved in NVRA litigation through 1998 and beyond.

Prevention of vote fraud and voter intimidation and harassment. Through litigation and the use of federal observers the Section continues to seek to protect minority voters from fraud, intimidation, and harassment.

The Section's overall enforcement of the VRA in other areas will continue in 1998 as well. The Section, for example, will continue to:

- send federal observers to monitor elections where needed to protect minority voters;
- investigate allegations of election day discrimination and take remedial action where warranted; and
- file lawsuits under the Uniform and Overseas Citizens Absentee Voting Act to remedy the late mailing of ballots to overseas voters.

In short, the Voting Section has a crucial role in our society in assuring that the cornerstone of our democracy--the right to vote--is made available to all citizens, regardless of race, color, language, literacy, or other irrelevant factors; it must have the resources that will enable it to continue to carry out its responsibilities with vigor.

	Perm. Pos.	FTE	Amount
Employment Litigation			
1997 Availability	62	61	\$5,644
1998 Base	62	61	5,862
1998 Estimate	62	61	5,862
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: The Employment Litigation Section enforces against state and local government employers the provisions of:

Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972; the Pregnancy Discrimination Act of 1978; and, the Civil Rights Act of 1991; and, other federal laws, orders and regulations prohibiting employment practices that discriminate on grounds of race, sex, religion, and national origin.

The Section also represents other federal agencies which are sued in relation to their enforcement of federal affirmative action programs and equal employment opportunity laws and regulations.

In fiscal year 1996, the Section filed complaints in 11 cases, settled 12 new or pending cases, reached an out-of-court settlement without filing suit in one matter, and handled 21 newly filed defensive cases. Since the beginning of fiscal year 1997, the Section has filed complaints in four cases, settled four new or pending cases and handled two newly filed defensive cases. Of the new cases and the one other matter, 13 resulted from Equal Employment Opportunity Commission (EEOC) referrals and three were based on the Attorney General's self-starting pattern or practice authority.

The Section's pattern or practice litigation often results in systemic changes to defendants' employment practices and serves as a signal to other employers to review voluntarily their practices to determine compliance with Title VII. Importantly, this litigation provides substantial make-whole relief, in the form of back pay, jobs, pensions and seniority, to large numbers of victims of discrimination. Under this authority, the Section has challenged, for example:

- the residency requirements of 35 suburban communities that had the purpose or effect of excluding minorities who lived in nearby cities with large minority populations;
- the hiring and/or testing practices of state and local police and fire departments as being not job-related and consistent with business necessity and discriminatory against minorities and/or females;
- the hiring and assignment practices of state and county penal institutions that discriminate against female applicants for correction officer positions and female incumbent employees in assignment and promotion practices;
- the ineffective and inadequate handling of sexual and racial harassment complaints by state and local employers;

*gender segregation and discrimination in pay against women in non-traditional public service jobs; and,

*discrimination in pay and benefits against ethnic minorities.

Because pattern or practice cases frequently affect the rights of hundreds of victims, a great deal of attention is given to identifying and providing make-whole relief to victims of discrimination in proceedings commonly referred to as "Stage II". The Section frequently obtains jobs with retroactive seniority for victims of hiring and promotion discrimination. Consistent with this effort, during 1986 the Section devoted resources to distributing:

*\$7.125 million in back pay to an estimated 1,500 black and female victims in litigation that challenged State-administered selection procedures for municipal police officers and sheriff's officers and correction officers positions throughout New Jersey and gender-restrictive hiring practices in the state's corrections system;

*\$270,000 to approximately 40 female victims denied employment as police officers by the Palm Beach Gardens, Florida, Police Department;

*\$700,000 in back pay and pension relief to 247 blacks and females who were discriminated against by the City of Belleville, Illinois;

*\$450,000 in back pay and other relief to 139 black applicants who unlawfully had been denied employment as police officers and fire fighters by the City of Hialeah, Florida;

*\$2.2 million in back pay and other relief to 170 Filipino teachers who had been discriminated against by the Public School System of the Northern Mariana Islands on the basis of national origin in salaries, benefits and terms of conditions of employment;

*\$2 million in back pay and job relief to up to 350 female victims of discrimination by the Orleans County Sheriff's Department;

*in a contested Stage II proceeding, identifying victims of the City of Warren, Michigan's discriminatory residency and recruitment practices;

*\$1 million to a yet to be determined number of black and female victims of employment discrimination by the Louisiana State Police; and,

*\$1.74 million in back pay to a yet to be determined number of victims of racial and sexual harassment by the New Jersey Department of Corrections.

The Section also enforces Title VII by filing suits based upon individual charges of discrimination referred to the Department of Justice by the EEOC. Charges are filed with the EEOC by individuals who believe that they were unlawfully denied employment opportunities or otherwise discriminated against by a state or local government employer. If, after investigation, the EEOC determines that a charge has merit and efforts to obtain voluntary compliance are unsuccessful, the EEOC may refer it to this Department. The Department of

Justice then has authority to determine whether or not to initiate litigation. While small in scope when compared to pattern or practice suits, these are cases that might not be pursued without the Section's participation and they often address types of discrimination that may not be remediable through pattern or practice suits.

Suits initiated under this authority have involved, for example, allegations of harassment, retaliation, involuntary reassignment, failure to promote, discrimination on the basis of pregnancy or religion and unlawful discharge. In these cases the Section recently has obtained:

*\$250,000 and job opportunities to women who had been denied employment as janitors by a school district;

*\$27,900 in back pay, compensatory damages and pension benefits to a victim of religious discrimination;

*\$66,270 in back pay and damages and an employment opportunity to a female who was denied a craft job with the Alabama State Docka Department;

*\$100,000 in compensatory damages to a victim of racial harassment by the Spring, Texas, Independent School District;

*\$10,000 in back pay to a victim of religious discrimination by the Virgin Island Housing Authority;

*\$40,000 in back pay to three victims of race discrimination and retaliation by the Beaumont, Texas, Housing Authority.

The Section issues letters of right-to-sue to individuals who have filed charges of employment discrimination under Title VII and Title I of the ADA against state or local government employers with the EEOC. The number of requests for right-to-sue letters has increased from approximately 2,700 in 1993 to almost 5,000 in 1996.

Another important aspect of enforcing Title VII and addressing ongoing employment discrimination is the Section's commitment to monitoring compliance with over 100 extant pattern or practice decrees; seeking supplemental relief or orders to enforce; and, where necessary, defending third party challenges to their efficacy and lawfulness. The Section devotes substantial resources to this effort because it is important that a consent decree and the law be complied with.

The Section also is responsible for representing federal agencies in litigation that challenges the lawfulness of their administrative actions. The Supreme Court's decision in *Adarand Constructors, Inc. v. Peña*, 115 S.Ct. 2097 (1995), established a new standard by which the lawfulness of federal affirmative action programs that provide a racial preference are to be evaluated. Approximately 15 lawsuits and other matters that raise Adarand issues are being handled by the Section. The Section has had to devote considerable resources to this aspect of its program, which has detracted from its ability to initiate Title VII litigation. The federal agencies involved in this litigation are: the Departments of Defense, Transportation and Commerce, the Small Business Administration, the Environmental Protection Agency, and NASA.

The Section is also responsible for representing the Department of Labor in challenges to its authority to enforce effectively Executive Order 11246, Section 501 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans Readjustment Assistance Act of 1974.

For the remainder of 1997 and 1998, the Section will continue to review referrals of individual charges from the EEOC for litigation and where the Assistant Attorney General so authorizes, initiate litigation based upon patterns or practices of discrimination. The Section will also, to the extent resources permit:

- *seek to identify patterns or practices of illegal discrimination against minorities and women in the selection, assignment and promotion of elementary and secondary school teachers, staff and administrators;
- *seek to identify patterns or practices of illegal discrimination against minorities and women in government facilities or agencies that deal with the public, such as public utilities and mass transportation systems; and,
- *seek to identify illegal discrimination against minorities and women in mid- and upper-level promotions and other glass ceiling issues in public safety, transportation and public utilities industries, among others.

The Section will continue to enforce its extant court orders, pursue investigations already underway, initiate suits based upon individual charges referred, prosecute on-going litigation, and defend federal agencies that may be sued in federal court for enforcement of civil rights laws.

	Perm.	FTE	Amount
Coordination and Review			
1997 Availability	23	22	\$2,639
1998 Base	23	22	2,745
1998 Estimate	23	22	2,745
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: The Section enforces Executive Order 12250, which directs the Attorney General to coordinate the enforcement of the various civil rights statutes that prohibit discrimination in federally assisted programs. The Assistant Attorney General directs the Section to coordinate the enforcement of these statutes with the various Federal agencies that administer programs that provide technical assistance, training and other assistance to State and local governments and private organizations. These recipients, in turn, operate programs that deliver services and benefits to individuals in broad and diverse areas that impact the lives of all Americans, such as education; health care; social services and welfare; transportation and infrastructure; natural resources and the environment; parks and recreation; agriculture and nutrition; housing and community development; employment and job training; and law enforcement and the administration of justice. Each Federal agency is responsible for assuring that its recipients do not discriminate in their use of Federal funds. The Section provides policy guidance, coordination, technical assistance, and training, in order to assure the effective and consistent enforcement of these grant-related statutes and to eliminate overlap and duplication where it may occur.

The Section coordinates the enforcement of two major statutes: Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in federally assisted programs, and Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in federally assisted education programs. In addition, the Section coordinates the enforcement of the nondiscrimination provisions of more than 60 program-specific statutes that prohibit discrimination on the basis of race, color, national origin, sex, or religion.

The Section also undertakes administrative enforcement activities to strengthen the Department of Justice's (DOJ) enforcement of these statutes in its own federally assisted programs. Under an agreement with the Office of Justice Programs (OJP), the Section conducts compliance reviews and investigates complaints of discrimination in services on the basis of race, color, national origin, sex, religion or age against DOJ recipients. The Section provides extensive outreach and technical assistance to make DOJ funding components (as well as their recipients and beneficiaries) aware of their rights and obligations under the grant-related civil rights statutes.

In 1996, the Section strengthened its liaison program with the 27 funding agencies by holding individual and cluster meetings to review their programs, solicit their suggestions, and identify technical assistance, policy development, and training needs. An Executive Order 12250 Advisory Group, consisting of representatives from 15 of these agencies, was established to identify issues and give recommendations and advice to improve governmentwide enforcement efforts.

The Section's information and outreach activities in 1996 were directed toward revitalizing the enforcement of Title VI. The Section produced and distributed a 60-second radio public service announcement (PSA), in English and Spanish, that described what Title VI covers and how discrimination VI complaints can be filed. The PSA was recorded by two well-known media personalities and was distributed to 600 African-American, Hispanic, and other minority-market radio stations.

The Section developed an "all-purpose" government-wide Title VI brochure (both in English and in Spanish) for recipients and beneficiaries that was distributed nationwide with the assistance of civil rights organizations and networks. The Section continued the publication of the Civil Rights Forum, a quarterly newsletter of information on policies, practices, and legal and programmatic developments for a readership of 6,000 federal civil rights personnel, civil rights and community organizations, and interested members of the public. The Section continued to exhibit at national conventions of civil rights, community, and beneficiary groups, where it provided material and information about the Division's enforcement activities.

The Section provided training in 1996 to civil rights and program staff representing 20 Federal agencies and their components, and to officials from the State of Tennessee. The Section also has provided legal and policy interpretations and technical assistance to individual agencies. For example, the Section provided substantial assistance to the Environmental Protection Agency in identifying Title VI issues relevant to the environmental justice initiative. The Section also provided assistance to the Department of Transportation in its investigation of a complaint that raised new and novel Title VI issues relating to municipal transportation systems. The Section also related previous actions to Department of Agriculture, Department of Commerce, and Small Business Administration regarding Title VI issues and policy concerns were identified. In addition, the Section provided policy interpretations on an ongoing basis in response to agency requests. These interpretations encompassed everything from whether an agency's data

request to a recipient is allowed by the Department's Title VI coordination regulation to whether a grant can be made if an applicant declines to sign a nondiscrimination assurance form.

The Section undertook similar activities to strengthen the enforcement of Title VI and related statutes in DOJ's own federally assisted programs. The Section participated in the DOJ police misconduct task force established in 1996 to coordinate the enforcement of civil laws addressing police misconduct and is assisting in setting policy direction and establishing investigative approaches in the new area of DOJ enforcement. Under a memorandum of understanding with the Office of Justice Programs, the Section began to receive and investigate complaints in 1996 that alleged services discrimination by law enforcement agencies that are recipients of funds from the Department of Justice.

The Section conducted a systematic series of meetings with DOJ funding components and organizations representing DOJ recipients and beneficiaries in 1996 to increase their awareness of their rights and responsibilities under these statutes. The Section also established a procedure with the Division's Criminal Section for the early identification of potential Title VI issues in complaints filed with that Section, and reviewed more than 300 closed Criminal Section files to determine if these complaints also raised Title VI issues.

The Section continued in 1996 to participate in several intradepartmental and interagency initiatives involving the grant-related civil rights statutes. These activities included the DOJ Post-Adarand working group review of federal affirmative action programs and the DOJ environmental justice working group. The Section also participated in National Performance Review (NPR) activities that addressed civil rights regulatory and enforcement reengineering at the Department of the Interior, and provided advice to the interagency NPR regulatory review project regarding the civil rights implementing regulations of federal funding agencies.

During 1997 and 1998, the Advisory Group will continue to provide advice and assistance in identifying program implementation, policy development, and training and technical assistance needs. The Advisory Group also will provide advice and assistance in developing and assessing initiatives to meet those identified needs.

In 1997, the Section will issue a two-part Title VI Compliance Manual, which will include a legal section, a how-to program compliance section, and a case studies section. The manual will also include an investigative procedure and record-keeping section. These documents will provide the foundation for "advanced" training for agencies in 1998 that builds upon previously offered "basic" instruction.

The Section will develop a series of policies and legal documents in 1997 that address major issues identified with the assistance of the Advisory Group, including: (1) the enforcement of Title VI and related civil rights statutes in block grant programs; (2) Title VI requirements for providing services in languages other than English; (3) the availability of compensatory damages in administrative proceedings; (4) the implementation of the Attorney General's pattern or practice authority contained in block grant statutes; and (5) Title VI coverage in the selection of procurement contractors. These policy initiatives will lead to follow-on training and technical assistance to federal agencies and their recipients in 1998. The Section also will revise its previously developed model interagency delegation agreement and assess the performance of existing agreements in 1997, and broker the negotiation of new agreements for programs and agencies where appropriate in 1998.

The Section will evaluate and monitor Federal agencies' enforcement of Title VI and related statutes in 1997. The Section will review the agencies' 1997 enforcement plans, workload and performance data, and progress reports that will be prepared in response to the streamlined requirements issued by the Section in 1996. The Section also will conduct an "inter-agency review", a focused assessment of an individual agency's compliance program, and provide follow-up technical assistance to address identified needs, findings, and recommendations.

The Section will distribute a complaint form and a "questions and answers" publication explaining the requirements of Title VI and related statutes in 1997 to over 8,100 police departments that receive DOJ funds. In 1997 and 1998, the Section will investigate the increasing numbers of complaints of discrimination filed against DOJ recipients that are expected as a result of outreach activities begun in 1996. The Section anticipates that several additional memorandums of understanding (similar to the agreement with OJP) will be negotiated in 1997 and 1998. It also is anticipated that the Section's investigation and compliance review workload will increase as the police misconduct initiatives developed by the DOJ task force in 1996 are implemented in 1997 and 1998.

	Perm. FTE	FTE	Amount
Housing and Civil Enforcement			
1997 Availability	98	95	\$ 9,978
1998 Base	98	95	10,210
1998 Estimate	28	22	10,222
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: Staff in this Section enforces federal statutes prohibiting discrimination in housing, consumer credit, and public accommodations. Enforcement responsibility in this area includes:

-- The Fair Housing Act of 1968, as amended by the Fair Housing Amendments Act of 1988. The 1968 Act prohibited discrimination in housing on the basis of race, color, religion and national origin. In 1974 this was amended to add sex as a protected class, and the Fair Housing Amendments Act of 1988 further added disability and familial status as protected classes. The 1988 Amendments Act also substantially expanded the Section's enforcement authority to combat housing discrimination by enabling it for the first time (1) to initiate cases, after referral from the Department of Housing and Urban Development (HUD) on behalf of individuals who have been discriminated against; and (2) to seek both actual and punitive damages for aggrieved individuals in both the HUD referred cases as well as in the pattern or practice cases the Section has had authority to bring since 1968, as well as civil penalties of up to \$50,000 per defendant in the pattern or practice cases.

-- The Equal Credit Opportunity Act, which prohibits discrimination on the basis of race, color, religion, national origin, sex, marital status, age, or on the basis that an applicant's income is from public assistance, in all credit transactions; and

-- Title II of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color, religion or national origin in certain public accommodations, such as restaurants, hotels and motels, and places of entertainment.

Most of the Section's enforcement activity focuses on enforcement of the Fair Housing Act. After the 1988 Amendments to the Act, which became effective in 1989, enforcement activity of the Section increased dramatically. In 1994, the total number of filings was 1,041, an increase from 741 in 1993. In 1995, an extraordinary ten times what it was in 1988 prior to the Amendments when the Section typically initiated 20-25 case filings, of which 15-20 were filed pursuant to the Fair Housing Act. In 1995, the number of case filings fell to 133 and in 1996 continued to fall to 62 cases for the reasons discussed below.

A major portion of the increased enforcement activity since 1989 has been the result of referrals required by the 1988 Amendments of cases involving individual cases of discrimination from the Department of Housing and Urban Development (HUD) which require case filings by the Section--known as election cases because the Act permits parties to such HUD proceedings to elect to have HUD findings of reasonable cause litigated in federal court. Like the total number of case filings, the number of these non-discretionary case filings initially increased dramatically after 1989--increasing from 21 such filings in 1990 (the first full year of implementation of the amended Act) to 155 such filings in 1994. Since then, there has been a marked decrease in the number of such filings -- 114 in 1995 and then 37 in 1996. We have no control over this reduction in referrals from HUD, but believe it is primarily the result of (1) more complaints of housing discrimination being handled by state fair housing agencies in lieu of HUD, as more state fair housing laws are determined to be substantially equivalent to the federal law; and (2) administrative changes in the fair housing office at HUD in 1995-96.

The Section also has had discretionary authority since 1968 to bring broader, higher-impact cases when the Attorney General determines there is reasonable cause to believe that persons have engaged in a pattern or practice of illegal discrimination or have denied a group of persons rights guaranteed under the Act and such denial raises an issue of general public importance. In addition, the amended Act requires HUD to refer cases involving alleged discrimination in zoning and land use decisions to the Section which then has discretion as to whether or not to initiate a lawsuit. Because of their broader impact and the independent authority conferred on the Attorney General, the discretionary pattern or practice case filings are the highest priority of the Section and the most important that the it brings.

In recent years, many cases in this discretionary category have been developed as the result of the following important initiatives: (1) the fair housing testing initiative, established in 1992 to increase the ability of the Section to combat discrimination in all parts of the country; especially race and national origin discrimination; (2) the fair housing program design initiative, designed to increase the number of nationally recognized testing firms initiating this type of case; and (3) the Section's increased involvement in lending, referrals of matters from bank regulatory agencies which also have responsibility for enforcing the fair lending laws; and, (3) property insurance discrimination.

In its testing program, the Section employs fair housing testing coordinators who plan such investigations and have trained many persons in the Department who have volunteered to be testers. Testers are individuals who, without the intent to rent or buy a dwelling, pose as renters or purchasers for the purpose of collecting evidence concerning whether or not unlawful housing discrimination is occurring. Since the passage of the Fair Housing Act in 1968, fair housing testing has been a primary tool for gathering evidence of housing discrimination.

Since its creation in 1992, the testing program has generated 33 pattern or practice cases and proved to be a very cost effective enforcement tool. The relief obtained in cases brought on the basis of evidence gathered by the testing program has been very significant. At the end of FY 1996, 21 of the 33 cases have been successfully resolved through consent decree or after trial and over \$2.98 million has been awarded in these cases in the form of damages, civil penalties and other equitable relief designed to compensate for discrimination and promote fair housing. In FY 1996, the highest settlement in any of the testing cases -- \$462,500 -- was obtained.

The fair lending and property insurance initiatives involve some of the most complex investigation and litigation in the Civil Rights Division, and have required very significant resources. The fair lending initiative has had a very significant impact on improving lending opportunities for minorities. A *Hall of Fame* article published in early 1996 made note of this progress, emphasizing more vigorously the Section's enforcement program has been in the forefront of the federal effort. In the period from 1992 thru 1994, settlements of cases such as Decatur, Shalom, and Chevy Chase were noted nationally. Since then the lending industry has followed closely the Section's enforcement program. In FY 1996, five more lending cases were filed. Consent decrees obtained in the lending cases in 1996 have also continued to be very significant. The most significant settlements in 1996 were two in which \$4 million in monetary relief was obtained in each. One was against the Fleet Mortgage Co. for allegedly charging higher interest rates to minorities than to whites in some of their offices. The other was against the Long Beach, California Bank in which it was alleged that it had discriminated against African-Americans, Hispanics, the elderly and women in the pricing of their loans. Significant settlements were also obtained during FY 1996 in cases which also focused on discrimination in the pricing practices of banks (Huntington (Cleveland), and Pecos (Texas)).

Overall, the results of the Section's enforcement program have been very significant. Significant monetary relief was obtained over \$15 million in the cases resolved during FY 1996 while this was less than that year's total monetary award of \$18.5 million. High settlements were obtained in one of the testing cases, a property insurance case. In addition to the settlements in the lending cases and the record settlement in one of the testing cases, notable consent decrees obtained included a case alleging familial status discrimination against the operator of several mobile home parks in California (awarding \$2.2 million in monetary relief) and a case alleging race discrimination against a company with several apartment buildings in Mobile, Alabama (\$1.8 million -- the largest award yet obtained in race discrimination case involving discrimination in rental housing).

In 1997 and 1998, the Section will continue to place emphasis on initiating broad pattern or practice cases, primarily in the three high-priority programs discussed above. The bulk of the non-discretionary cases referred from HUD will continue to be handled by local U.S. Attorneys' offices pursuant to the Attorney General's 1993 directive designed to involve these offices in the responsibility for litigating fair housing cases. This program has been very successful. A smooth and efficient working relationship is now in place between the Section and the various U.S. Attorney offices, and we expect increased participation of these offices in fair housing enforcement in the future.

	Perm. Pos.	FTE	Amount
Educational Opportunities			
1987 Availability	30	31	\$2,774
1988 Base	30	31	2,878
1988 Estimate	30	31	2,828
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: The Educational Opportunities Program enforces Federal statutes which prohibit discrimination in public elementary and secondary schools and public colleges and universities. Program enforcement responsibilities include:

Title IV of the Civil Rights Act of 1964, which provides that the Attorney General may initiate legal proceedings to further orderly desegregation (i) upon receiving a complaint from a parent that his or her minor children are denied equal protection of the law by public school officials; and, (ii) with respect to public institutions of higher learning, upon receiving a meritorious written complaint alleging that a student has been denied admission to or the opportunity to continue in attendance at a public college or university on account of the student's race, sex, national origin, color, religion;

Equal Educational Opportunities Act of 1974, which prohibits school officials from denying students equal educational opportunities (including students who may face language barriers) on account of race, color, national origin;

Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, which require that public school officials provide handicapped and disabled students appropriate educational opportunities, upon receiving a proper referral from the U.S. Department of Education, Office for Civil Rights (OCR);

Title VI of the Civil Rights Act of 1964, which prohibits public school districts that receive federal funds from discriminating on the basis of race or national origin in a program or activity, upon receiving a proper referral from OCR; and,

Title IX of the Education Amendments of 1972, which prohibits school districts that receive federal funds from discriminating on the basis of gender, upon receiving a proper referral from OCR.

The Program is also authorized to (i) intervene in private suits alleging the denial of equal protection of the law based on race, sex, national origin, color, or religion which the Attorney General determines raises issues of public importance; and (ii) represent the U. S. Department of Education when the Secretary is sued by public school districts, colleges, or universities against whom OCR may take enforcement action under one of its statutes.

The Program continues to maintain a large non-discretionary workload. In addition to actively monitoring and responding to complaints which require its immediate attention in several hundred elementary and secondary school districts, the Program devotes substantial staff time to several high profile, complex, statewide higher education cases which remain active. In 1995, Program attorneys conducted discovery and prepared a higher education cases against Alabama for further trial (Alabama III), conducted discovery and

negotiated a major settlement in a portion of a Louisiana case (Louisiana III), engaged in post-trial hearings and brief submissions in Mississippi (Mississippi I, II), and engaged in extensive discovery concerning a remedial case (Remedial I, II). In the past year, the program has been highly successful in obtaining high profile suits involving discriminatory admissions in Virginia (Virginia Military Institute VI, VII) and South Carolina (The Citadel). These cases involving higher education will continue to require substantial program resources until appropriate remedial measures are finally approved by the courts and successfully implemented.

In 1997 and 1998, the Program expects to focus a significant amount of its resources on systematically reviewing the 400-plus court ordered school districts on the active case docket. The purpose of this project is to seek compliance of those school districts that are in violation of their extant desegregation orders and to administratively close those districts that are in compliance, thus, removing them from our active case docket. This will involve reviewing hundreds, and in some cases, thousands of documents, contacting various community groups and visiting many of the districts. It is anticipated that such activity will increase the number of complaints from citizen and community groups, as well as prompt a number of districts to seek partial or full termination of their court orders. The latter actions will require more comprehensive investigations and may require an examination of data in six or more relevant compliance areas covering a period of many years.

In addition to this enforcement effort, the Program will give priority attention to focusing on violations that deny (i) educational quality to minority students and (ii) equal educational opportunities to women, languages minorities, and students with disabilities. This endeavor will involve the examination of differences in curriculum offerings among individual schools within school districts, review of student placement procedures, including tracking and ability grouping, and examination of student achievement data such as test scores for the hundreds, and in some cases, thousands of students in the affected school districts.

	Perm.	FTE	Amount
	Pos.		
Disability Rights			
1997 Availability	56	69	\$9,353
1998 Base	56	69	9,490
1998 Estimate	53	73	2,267
Increase/Decrease	7	4	477

BASE PROGRAM DESCRIPTION: This Section carries out a multi-faceted approach toward achieving compliance with the Rehabilitation Act, the Small Business Regulatory Enforcement Fairness Act, and Executive Order 12250. The Section's enforcement activities include: (i) coordination, and technical assistance activities required by the ADA combined with an innovative mediation program and a technical assistance grant program, provide a cost-effective and dynamic approach for carrying out the ADA's mandates. The Section also carries out responsibilities under Section 504 of the Rehabilitation Act, the Small Business Regulatory Enforcement Fairness Act, and Executive Order 12250. Section activities affect 6 million businesses and non-profit agencies, 80,000 units of state and local government, 49 million people with disabilities, and over 100 other federal agencies and commissions in the Executive Branch.

The Section implements the Department of Justice's enforcement responsibilities under Titles I, II, and III of the ADA. Enforcement responsibilities cover a broad spectrum of potential actions to encourage

individuals and entities to comply with the requirements of the ADA. Once a complaint meets Section jurisdictional standards, an investigation is conducted to ensure there is sufficient evidence of a violation. If the investigation shows a violation of the law, negotiations with the respondent are initiated. Resolutions are sought through mediation, informal agreements, or formal agreements. Conciliation (approved by a court) or litigation. A decision on appropriate remedies or on conciliation and individuals or entities in violation of the ADA cannot agree on appropriate remedies or on interpretation of the law. Although litigation is resource intensive, it is an essential tool for credible and efficient enforcement to prevent discrimination against persons with disabilities.

The Section's responsibilities are somewhat different under each Title of the ADA. Under Title I, the Section is the only government entity with authority to initiate litigation against state and local government employers. Under Title II, the Section is responsible both for the coordination of Title II administrative enforcement by seven other agencies¹ and for the Department's own complaint investigation and compliance review functions. The Section initiates litigation under Title II that arises from its own investigations and upon referral from other Federal agencies. Under Title III, the Section initiates litigation where there is a pattern or practice of discrimination or discrimination involving an issue of general public importance involving public accommodations and commercial facilities.

In order to reduce reliance on litigation as an enforcement tool, the Section also operates a pilot project to facilitate the use of mediation to settle ADA disputes through its Technical Assistance Program, and the Section awarded grants to train professional and volunteer mediators in 27 cities. Complaints are now being referred to mediators to attempt resolution without litigation.

The Section, pursuant to Section 308 of the ADA, responds to requests from state and local jurisdictions seeking certification that their building codes meet or exceed ADA accessibility requirements. Certification preserves the traditional role of State and local officials in the implementation of building-related regulations, while at the same time furthering the Federal objective of ensuring uniform levels of accessibility for citizens with disabilities throughout the United States. The Section conducts a detailed analysis of each submitted code and provides extensive technical assistance to code officials developing ADA-equivalent codes. Prior to issuing a final certification determination, the Section provides public notice and conducts public hearings on its proposed certification. In addition, in response to requests by private sector organizations that are revising or developing model accessibility codes or consensus standards, the Section has also required the Section to develop a procedure analogous to the formal certification review, and provide extensive technical assistance to enable code officials to determine if the model code is, in fact, equivalent to the ADA.

The Section develops regulations to implement Titles II and III of the ADA. This activity includes participating in the development of the ADA Accessibility Guidelines, which form the basis for the Department's ADA Standards for Accessible Design, and using innovative methods to solicit comments from businesses, governments, architects, code officials, and the disability community.

¹ Departments of Agriculture, Education, Health and Human Services, Housing and Urban Development, Interior, Labor, and Transportation.

The Section has the responsibility pursuant to Executive Order 12250 to coordinate Federal enforcement of the Rehabilitation Act and other Federal statutes that prohibit discrimination on the basis of disability in programs that receive Federal financial assistance. In addition, the Section represents the Attorney General in her statutory role as a member of the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). In this capacity, the Section not only participates in the continued development of ADA accessibility guidelines for entities subject to the Department's regulations, but also participates in the development of ADA guidelines for accessible transportation and Architectural Barriers Act guidelines applicable to Federal and federally-financed buildings.

The Technical Assistance Program, which is mandated under Section 504 of the ADA, promotes voluntary compliance with the ADA by providing free information and assistance to businesses, state and local governments, people with disabilities, and the general public. Each year, more than one million people are contacted through the program. The program has been successful in educating over 700,000 individuals nationwide; 75,000 calls a year; develops and disseminates ADA publications; provides ADA training at meetings and seminars; and conducts outreach to broad and targeted audiences that have included mayors, local Chambers of Commerce, and millions of businesses. With yearly updates, ADA-7A, a technical assistance series aimed at businesses, state and local governments, architects, and others explaining efficient ways to comply with the ADA; Question-and-Answer publications addressing specific topics; and other materials. These and the ADA regulations may be ordered from the Section or obtained electronically through the Section's electronic bulletin board or the Internet.

The Section coordinates ADA technical assistance government-wide, chairing an ADA Technical Assistance Coordinating Committee, conducting legal and technical reviews of materials developed by other agencies to ensure accuracy, and other initiatives.

Through its grant program, the Section works with trade associations and others to develop and disseminate materials tailored to meet the needs of specific audiences, including hotels and motels, restaurants, grocery stores, small businesses, builders, mayors and town officials, law enforcement, people with disabilities, and others. In 1995, two articles on the ADA were disseminated to 33 million elders through Modern Maturity magazine as part of a grant awarded to the American Association of Retired Persons (AARP). Materials developed through grants and the Section's technical assistance documents are also disseminated to state and local government officials aware of the ADA and the resources that are available to assist them in complying.

Many of the enforcement, regulatory, and coordination responsibilities described above were assigned to the Section pursuant to a reorganization that took effect on March 1, 1995. Responsibilities for enforcement of Title I (employment) and all the non-litigation functions under Title II were also placed with the Section. In addition, the Section was given responsibility for continued rulemaking under Titles II and III of the ADA and the responsibility to coordinate Federal enforcement of Section 504 of the Rehabilitation Act of 1973 and other Federal disability rights statutes.

In June 1996, the Section received new responsibilities under the sections 212 and 213 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121, 110 Stat. 847), to publish Small Entity Compliance Guides and to provide "informal small entity guidance" upon request. The new mandate requires

that each agency that regulates small entities to establish a program to "answer inquiries by small entities concerning information on, and advice about, compliance with such statutes and regulations, interpreting and applying the law to specific sets of facts supplied by the small entity."

The Section components work together to promote compliance with the ADA in a cost-effective manner. The Section attempts to avoid costly litigation by resolving complaints informally through informal on-site mediation. In addition, the Section provides technical assistance to state and local governments, private businesses and state and local governments access to information that assists them in avoiding costly mistakes and developing cost-effective approaches for complying with the ADA. Code certification will increase the number of buildings that are constructed in compliance with the ADA's requirements, and costly litigation will be avoided.

PROGRAM CHANGES:

	POS.	FTE	AMOUNT
Disability Rights ADA Enforcement	7	4	\$477

ADA Enforcement

A program increase of \$477,000, seven positions and four workyears (four GS-12 investigators, two GS-13 mediators, and one GS-13 architect) is requested to handle an increasing workload. The additional personnel will enable the Section to more effectively and efficiently address an increasing number of ADA-related complaints, and meet the following objectives:

- To ensure that complaints and other situations evidencing noncompliance are resolved through informal means such as negotiation, mediation, or informal settlement agreements, when those methods appear to be the most appropriate way to resolve a particular inquiry or complaint; and,

- To resolve an increasing number of complaints and other situations evidencing noncompliance under both Titles II and III of the ADA.

The Section seeks the seven permanent positions to solidify and streamline its enforcement of Titles II and III of the ADA by having four more investigators to evaluate, investigate, and respond to complaints; two mediators to assist in the resolution process by actively working with the complainant and the responsible entity to informally resolve complaints, and one architect to provide professional and technical consultations in the resolution process.

Currently, the Section is turning away over 80% of complaints received under Title III, and continues to fall behind in the processing of Title II complaints. We continue to see an increase in complaints against public accommodations and state and local governments. For example, we predict our backlog of pending investigations will go from approximately 2600 in FY 1996 to 3600 in FY 1998. Our current resources allow us to handle a limited number of this increase. If we can increase resources for investigations a greater number of complaints can be settled informally or through mediation, rather than litigation.

By FY 1998, the Section expects four trends: 1) an increasing number of pending title II and title III complaints, including ones from prior years that were not handled due to staff limitations; 2) an increasing number of businesses and government agencies that are complying voluntarily with the ADA, setting an example of compliance that is expected by the public in ensuring that they or their friends and relatives with disabilities have a fair and equitable opportunity to be included in the workforce; 3) a variety of standard settlement agreements or suggested informal resolutions for particular types of complaints; and, 4) well-developed policy and procedures for alternative dispute resolution.

	Perm.	FTE	Amount
Office of Special Counsel			
1997 Availability	29	30	\$5,403
1998 Base	29	30	5,523
1998 Estimate	29	30	5,523
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) was created by the Immigration Reform and Control Act of 1986 (IRCA), an amendment to the Immigration and Nationality Act (INA). From its inception in 1987 until March 1994, OSC operated as a separate component of the Department charged with enforcing the antidiscrimination provisions of INA. In 1994 OSC merged with the Civil Rights Division. The merger was consistent with the Attorney General's efforts to consolidate civil rights policy in the Department and did not alter OSC's mission.

The antidiscrimination provisions of INA are a counterbalance to potential discrimination by employers that could result from the INA's employer sanctions for knowingly hiring an illegal worker. The balance of implementing employer sanctions while prohibiting discrimination against work authorized aliens and U.S. citizens, is upset when an employer is overzealous in attempting to prevent the employment of undocumented workers. Too often this means that "foreign" looking or "foreign" sounding individuals are subjected to different treatment by employers.

Pursuant to 8 U.S.C. 1324b, OSC investigates and prosecutes cases of discrimination in hiring, firing, or referral for a fee based on an individual's citizenship status or national origin. Section 1324b covers all employers with four or more employees. However, OSC does not have jurisdiction over national origin claims already covered by title VII, i.e., employers with 15 or more employees.

National origin discrimination consists of unequal treatment because of a person's place of origin or because that person has certain physical, cultural, or linguistic characteristics of a particular national origin group. All individuals except unauthorized workers are protected against national origin discrimination.

Discrimination based on citizenship status consists of employers making distinctions among workers in the context of hiring, firing, or referral for a fee because of their citizenship or immigration status. Citizenship status discrimination is permitted only under narrow circumstances: namely, when required to comply with governmental regulations.

Section 535 of the Immigration Act of 1990 ("IA90") added retaliation to the prohibitions on discrimination enforced by the Special Counsel. Specifically, the amendments to INA prohibited retaliation against

individuals for exercising their rights under the statute. Additionally, IA90 made document abuse, i.e., requesting more or different documents than necessary for employment verification purposes or refusing to accept valid documents, an unfair immigration-related employment practice. Document abuse is the most common type of charge handled by OSC and all work authorized individuals are protected. For example, in October 1996, OSC negotiated a settlement agreement with Wal-Mart Stores, Inc. ('Wal-Mart') of a complaint which alleged that one of its locations had engaged in a pattern or practice of requiring aliens to produce INS-issued documents in addition to a driver's license and social security card which OSC alleged it was requiring of all employees for its purposes. The settlement agreement also covered an on-going OSC investigation of Wal-Mart's employment eligibility verification practices across the country. The terms of the agreement required Wal-Mart to pay \$30,000 to OSC to implement an OSC-approved nationwide I-9 training program for its hiring personnel and to allow OSC to conduct its employment eligibility verification practices at various Wal-Mart locations throughout the country.

On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) amended the Immigration and Nationality Act's Section 2748(a)(6). Under the new law, in order to constitute document abuse an employer's request for more or different documents must now be shown to have been made for the purpose or with the intent to discriminate based on the worker's national origin or citizenship status.

OSC continues to work closely with our grantees, especially in California, to combat the lingering effects of the passage of Proposition 187, as well as the more recent effects of the passage of Proposition 209, on the mindset of legal immigrants. These efforts include increasing public awareness of employees' and employers' rights and responsibilities under INA's antidiscrimination provisions through public education campaigns. Furthermore, while development of the protocol for the I-9S pilot II is still underway, OSC will continue to work with INS on the development of that project, as well.

OSC coordinates with officials of the Equal Employment Opportunity Commission (EEOC), the Immigration and Naturalization Service (INS), the Department of Labor, other federal and state agencies and community-based organizations to ensure uniform and effective enforcement of INA's antidiscrimination provisions. Additionally, OSC provides legislative counsel to other programs within the Department and to other federal agencies.

With respect to charge referral, in addition to its memorandum of understanding (MOU) with the EEOC, OSC has entered into MOUs with numerous state and local human rights agencies throughout the country. These MOUs are very basic referral agreements aimed primarily at gaining the opportunity to increase awareness among state and local government personnel of OSC and the INA's antidiscrimination provisions. On January 8, 1997, OSC and the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) entered into a MOU to facilitate coordination of antidiscrimination enforcement and joint public outreach activities. This agreement will allow each agency to fulfill its enforcement responsibilities in a more cost-efficient and effective manner.

OSC promotes awareness of INA's antidiscrimination provisions through public outreach efforts including: an annual nationwide grant program; media advertising; training; publications; and, participation in conferences and cooperative activities involving public and private groups. The 1990 Immigration Act extended to the Special Counsel specific statutory responsibility for the development of a nationwide public education campaign.

OSC's main public education activity is its annual grant program for nonprofit organizations throughout the country for the development and implementation of public education programs designed to address the unique needs of communities with high alien and minority language populations.

OSC's public education activities also include a national outreach campaign through a private contractor which has aired television and radio announcements nationwide, as well as produced and distributed materials in many languages. In 1996 OSC conducted: 1) three national print and radio public service announcement campaigns; 2) prepared a calendar for our grantees of all the business association conventions taking place throughout the country; and, 3) worked with the appropriate state agencies to have Section 1324b information included in their new business start up packets. Main projects for 1997 include national and targeted regional media campaigns as well as dissemination of information packets to state agencies and trade/professional associations.

Attorneys from the Special Counsel's Office make numerous presentations to interested groups across the country regarding the anti-discrimination provisions of IRCA. They have spoken before employer groups, community based organizations, state fair employment agencies, bar associations and others. On occasion, they appear on radio talk shows. In 1996, OSC attorneys made 70 public appearances.

Additionally, OSC maintains liaison with nearly a dozen federal agencies and has continued aggressive outreach to inform public interest and community groups, as well as INS offices and legal aid centers, of the Employment Opportunity Commission (EEOC) and Section 1324b. OSC has also worked with the EEOC-sponsored Equal Employment Opportunity Commission (EEOC) providing speakers at the EEOC-sponsored Technical Assistance Program Seminars (TAPS) for employers which are held twice a year by each EEOC district. At many OSC-sponsored education seminars, EEOC speakers are included in the agenda.

In 1997 and 1998, OSC will focus investigative resources on illegal discrimination against lawful immigrants in hiring and firing based on national origin and/or citizenship status. OSC will also address barriers to employment facing legal immigrants and "foreign looking" individuals in the employment verification process, and develop methods and arguments for meeting the new law's requirement of proving employers intended to discriminate against workers because of their national origin or citizenship status.

OSC will continue to coordinate antidiscrimination enforcement objectives with other government agencies through memoranda of understanding that will make more effective use of the Office's investigative and prosecutorial resources. Further, OSC will continue to improve our working relationship with both INS and EEOC. OSC will continue to coordinate with INS on matters relating to the implementation of the Public Law 104-208, the Immigration Reform and Control Act of 1986. OSC will also continue to enhance enforcement and outreach activities through a concerted effort to maintain and further develop ongoing communication with community-based organizations, state and local government agencies, and other pertinent entities, and continue to improve the routine review of outreach projects to ensure that they provide information effectively to those impacted by the program.

	Perm. FTE	FTE	Amount
Management and Administration			
1997 Availability	69	83	\$8,219
1998 Base	69	83	8,528
1998 Estimate	72	88	10,546
Increase/Decrease	10	5	2,018

This budget activity includes resources for Executive Direction and Control (which includes the Office of the Assistant Attorney General and the Administrative Management Section) and Redress Administration.

Executive Direction and Control

BASE PROGRAM DESCRIPTION: The Assistant Attorney General and Deputy Assistant Attorneys General establish policy and provide executive direction and control over litigation enforcement and administrative activities of the Division. Each of the Deputy Assistant Attorneys General oversees specific program-related sections.

The Administrative Management Program provides a diverse array of management and technical services. These services include, but are not limited to, personnel administration, procurement, budget formulation and execution, litigation support, facilities services, mail and file operations, and automated systems.

Significant accomplishments in 1996 include:

- completion of ADP infrastructure improvements that included replacement or upgrade of microcomputers and printers required by the Department's new office automation system, Justice Consolidated Office Network (JCON);
- re-engineered the Geographical Information System (GIS), resulting in improved performance and expanded analytical capabilities, and secured the award of a new five-year GIS support contract;
- conducted a study of the Section 5 submission process (Voting Section) to prepare for implementation of a document imaging system to replace out-of-date microfiche equipment that will no longer be manufactured or supported after the end of calendar year 1996;

began implementation of a digital document imaging system to handle Section 5 submissions in the Voting Section; in addition to solving the mission-critical problem of relying on unreliable and obsolete microfiche equipment for Section 5 analyses, the new imaging system will function as a prototype in expanding imaging technology to the whole Division via the JCON system;

initiated the redevelopment of a sophisticated and critical Voting Section 5 case tracking application consistent with the migration of systems from the Data General-based automated office system environment to windowed Unix platforms preparatory to the new JCON contract;

developed a correspondence tracking system for one Section within the Division, consolidated and extended the application to two other sections as part of the prototype, and have begun to redevelop the application with a graphical user interface compatible with the JCON environment prior to implementation throughout the Division; and,

began the long-overdue modernization of the Division case management system, including the development of new hardware and software platforms, requirements analyses, data cleanup, conversion and up-to-date application documentation, which will yield more reliable data and greater access for Division users.

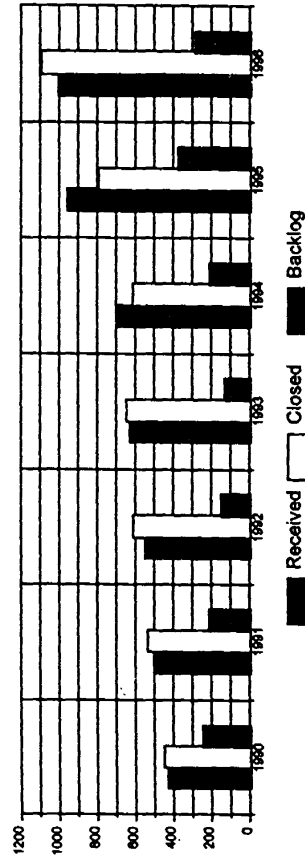
During the period, the Division updated its risk analyses, contingency plans and system security plans for the Geographic Information System (GIS), the Japanese American Redress Verification Information System (JARVIS), and the Litigation Support Network (LSN) with the assistance of Keane Federal Systems, Inc. An AMICUS II+ Dial-in Security Assessment was also performed with Keane's assistance. All of the security reviews found that the Division's computer security was adequate. The contractor made a number of suggestions of low to no cost improvements that could be made to ensure even greater security.

The Administrative Management Program also contains the Freedom of Information/Privacy Act (FOI/PA) Branch. The Branch's principal function is to ensure that the Division complies with all aspects of the Freedom of Information and Privacy Acts. The Branch also provides procedural guidance to citizens and legal counsel to other programs of the Civil Rights Division regarding FOI/PA requests and coordinates and represents the Division's interests in FOI/PA litigation and in the administrative appeals of request denials.

The projected workload of the FOI/PA Branch on requests (without regard to appeals and litigation) continues to increase and may reach very near 1,200 requests for the 1998 period. Based on the last 12 months'

statistics, the Division's annual number is now over 1000 incoming FOI/PA requests. In 1996, the FOI/PA Branch was able to respond to the record levels of incoming numbers with unprecedented numbers of closings made possible by overtime and by contractor support. As of December 31, 1996, the FOI/PA Branch reduced its backlog by 22% from the peak reached immediately after the furlough (from 383 to 298). This was achieved by a focus on responding to requests that involved the fewest number of documents. Even though approximately 20% of the Branch resources were directed towards requests involving large amounts of documents, the Branch fell behind significantly in responding to voluminous requests in an effort to reduce the total numbers of pending requests. Further reductions in the backlog are unlikely until the Branch is able to close out more of the larger volume requests. Additionally, resources used in 1996 to assist the unit in addressing the backlog are no longer available as a result of the cumulative effect of reductions to the Division's base funding level.

**Growth in Volume of CRT
Incoming FOI/PA Requests (1981-1996)**



Note: Backlog numbers are generally understated for various reasons, i.e., request appealed, reopened or litigated.

Redress Administration

BRIEF PROGRAM DESCRIPTION: The Civil Liberties Act of 1988 (P.L. 100-383) (the Act) assigned the Attorney General responsibility for implementing section 105. The Act provided that payments of \$20,000 each be made to eligible individuals of Japanese ancestry who were evacuated, relocated, or interned by the United States Government during World War II. To carry out these responsibilities, the Office of Redress Administration (ORA) was created within the Civil Rights Division.

ORA's workload includes making eligibility determinations on the remaining unique cases, and disbursing payments to eligible individuals. ORA has disbursed over 97 percent of the \$1.645 billion available, representing 80,120 cases. Additionally, ORA continues to monitor a helpline and respond to correspondence from individuals inquiring about the status of their claim. ORA continues its aggressive outreach efforts in the Japanese-American community, which have included several workshops around the country, and regular contact with community leaders through monthly updates and press releases. ORA also distributes pamphlets and other materials to the public with information regarding the redress program and unknown individuals.

ORA's goals for 1997 and 1998 include locating the remaining 3,100 individuals for whom ORA has been unable to gather current information in relation to ORA's historical records. ORA is required by the Act to account for each of these individuals. ORA also plans to make final legal determinations on approximately 400 unique cases. In addition, ORA will continue developing a phase-down plan for its operations, as the program has a sunset date of August 1998. All computerized and hard-copy historical records relating to the internment period will be archived as part of this plan.

A July 6, 1995, Federal Appeals Court reversal in the case of Douglas L. Ishida v. United States will affect the eligibility of nearly 1,300 cases. Based on the adverse court decision substantial manpower support will be required to review these cases since approximately 3,000-5,000 other individuals, not currently identified, may file similar claims.

Further, another lawsuit, Marion Kanemoto, et al. v. William Barr, et al., No. C92-20610, was filed on March 22, 1995. This case involves 14 plaintiffs who were minor children during the war and who were relocated to Japan with their parents. The Act excluded from eligibility any person who returned to Japan during the war. However, based on the Department's new legal interpretation of this statutory language that only those persons who returned voluntarily are ineligible, the minor children who returned involuntarily to Japan are now eligible for redress. Thus the lawsuit was stayed and regulations were finalized to make this category of claimants eligible. This regulation made about 130 current claims eligible for redress. ORA is unable to project the number of additional eligible persons, who have not yet contacted ORA, because of the lack of dates of birth on some of the historical records, but may have as many as 200 additional cases not currently identified.

PROGRAM CHANGES:

	Pos.	FTE	Amount
Management and Administration			
Electronic Freedom of Information Act	10	5	\$2,018

The Civil Rights Division requests a program increase of \$2,018,000, ten positions and five workyears (two GS-12 attorneys, one GS-12 computer specialist, six paralegals (two each at the GS-7, GS-9 and GS-11 levels), and one GS-7 secretary) to enable the Civil Rights Division's FOI/PA Branch to meet the significant increase in its responsibilities under the Freedom of Information and Privacy Acts. The funding request also includes the resources necessary for the Division to acquire a centralized scanning system and compatible technology that will enable us to address the continually increasing high volume of FOIA requests and meet the requirements of the recently-enacted Electronic Freedom of Information Act.

The increases in FOI/PA processing demands are a result of several factors including new legislation, Division responsibility for new programs, and increases in prosecutions among all Division traditional enforcement responsibilities. The enforcement of the American with Disabilities Act (ADA) has resulted in the largest portion of the increase of the FOI/PA requests. Business entities, non-profit organizations, law firms specializing in ADA matters as well as the general public are requesting volumes of material related to ADA enforcement. Other statutes such as the Violent Crime Control and Law Enforcement Act, the Civil Liberties Act of 1988, and the Immigration Reform and Control Act have all added significantly to the growing level of incoming requests. The program increase is reflective in what has been a correlative rise in the volume of FOI/PA requests. Growth in incoming requests is expected to continue at the rate of 5-10% per year. At the current rate of increase, incoming totals of 1100-1200 FOI/PA requests are anticipated by 1998. [The Division received over 1000 FOI/PA requests in the most recent 12 month period.] The additional resources requested will also assist the FOI/PA Branch in meeting the requirements of the "Electronic FOIA" passed in 1996 and the resulting increases in requests for information consistent with the intent of the law.

Given current staffing levels, existing office equipment, and the increased numbers of incoming requests, the Division expects backlog levels to consistently exceed 500. Even if the Division maintains its production rate at the same level accomplished in 1996, resources will not be sufficient to counter the increased demand in routine requests, and to address large volume labor-intensive requests. Without additional funding the Civil Rights Division will be unable to meet the goals and the legislative intent of speedy access to federal agency records via the Freedom of Information Act as envisioned by the sponsors and supporters of the "Electronic FOIA." The "Electronic FOIA" provides many new administrative challenges, however, the most significant challenge will likely be the new "exceptional circumstances" definition provision. This provision will put the public on notice by the statute overruling court decisions that were

generally sympathetic to agency backlogs in the context of inadequate resources. Requestor lawsuits will likely be filed with the expectation of summary judgments in favor of plaintiffs for immediate access against agencies with backlogs.

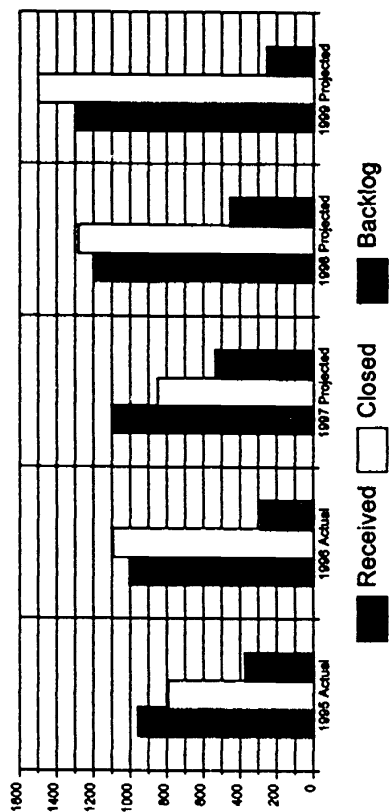
The FOIA imaging system will be an Oracle network based imaging system. It will consist of 12 new JOW PCs with 21 inch monitors, four scanning/OCR workstations. A sixty-two user license will be purchased for FOIA and other Division users. The system will be linked to the existing case management database management system (dbms). Hardware requirements will include a network server, image storage devices, CDROM burners, and upgrades to existing workstations.

The initial conversion will require over 750,000 pages to be scanned and coded as well as converting over 400,000 pages of existing microfilm. Once all hard-copy paper has been scanned, coded, and quality controlled, FOIA will be able to respond to the demands of the "Electronic FOIA" passed in 1996.

Lastly, a home page will be developed on the Internet, consistent with the new legislation, enabling citizens to access information generated by the FOI/PA branch.

As reflected in the chart below, the high volume of FOI/PA requests closed during 1996 was a result of contractor assistance and overtime. Funds used in 1996 to address the workload demands of the FOI/PA Unit are no longer available; hence the decline in 1997 productivity. Projections for 1998 thru 1999 assume approval of the program increase requested in 1998.

Growth In Volume of CRT
Incoming FOI/PA Requests (1995-1999)



PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Appellate		PERFORMANCE TARGETS AND ACTUAL RESULTS							
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Estimate	1998 Estimate		
INPUT	Perm. Pos.	27	27	27	27	27	27		
	FTE Amount (000)	25	24	24	24	24	24		
		\$2,614	\$2,682	\$2,827	\$2,818	\$2,826	\$2,948		
WORKLOAD	1. Cases/Matters Received	130	189	140	167	178	178		
OUTPUT/ACTIVITY	2. Supreme Court Briefs & Substantive Papers Filed	20	34	23	41	37	37		
	a. Amicus Briefs	6(30%)	8(23%)	2(7%)	7(17%)	7(19%)	7		
	b. Briefs in Opposition to Certiorari	11(55%)	23(68%)	9(39%)	10(24%)	16(43%)	16		
	3. Courts of Appeals Briefs & Substantive Papers Filed	63	78	70	83	80	80		
	a. Amicus Briefs	13(21%)	16(20%)	14(20%)	19(23%)	17(21%)	17		
	b. Briefs as Appellee	23(36%)	20(26%)	20(28%)	23(28%)	21(26%)	21		
	c. Briefs as Respondent (defending ALJ decisions)	6(9.5%)	4(5%)	5(7%)	8(10%)	6(7%)	6		
	4. Recommendations to the Solicitor General	33	42	50	30	36	36		
	5. Oral Arguments	33	36	36	29	32	32		
	6. Notices of Appeal Filed	10	8	7	9	8	8		
	7. HUD Enforcement Actions	7	6	5	8	7	7		
	8. Legal Counsel and Research Assistance Provided	116	105	65	80	92	92		
INTERMEDIATE OUTCOME	9. Supreme Court								
	a. Certiorari Granted	1	3	6	5	4	4		
	b. Stay Granted	2	0	1	0	1	1		
	10. Court of Appeals								
	a. Rehearing Granted	0	1	1	1	1	1		
	b. Stay Granted	1	3	2	0	2	2		

Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
END OUTCOME	11. Supreme Court Merits Decisions	7	9	10	8	8	8
	a. Number of Cases Won (Full or Partial Success)	3	6	6	4	5	5
	b. Success Rate (%)	43%	67%	60%	50%	62%	62%
	12. Court of Appeals Merits Decisions	40	47	38	38	42	42
	a. Number of Cases Won (Full or Partial Success)	35	35	32	27	31	31
	b. Success Rate (%)	87%	74%	84%	71%	74%	74%
	13. Supreme Court Non-Merits Decisions (not including those reported as Intermediate Outcomes)	11	21	20	21	21%	21%
	14. Court of Appeals Non-Merits Decisions (not including those reported as Intermediate Outcomes)	10	23	20	20	21%	21%
	15. HUD Judgments Enforced	..	4	3	2	3	3

A. Definitions of Terms or Explanations for Indicators:

#1. Cases: Supreme Court and courts of appeals cases in which the Division is a party or *amicus*.

Matters: Work performed on legal issues principally handled by other Divisions and federal agencies, internal research assistance, and cases we consider but decide not to participate in.

#2. Substantive papers: Non-procedural filings or applications to courts requesting an order or ruling affecting either the "Intermediate Outcome" or "End Outcome" of the case. The subcategories of briefs and substantive papers (e.g. *amicus* brief, appellate brief, brief as respondent) do not include filings as a party (petitioner/appellant) in the Supreme Court or courts of appeals. The following definitions are provided for only the briefs indicated on the Performance Measurement Table (PMT).

Amicus Brief: A document filed with the court's permission by one who is not a party to the lawsuit and provides information and argument to aid a court in reaching a proper decision or to urge a particular result. *Amicus curiae* means "friend of the court."

Appellee Brief: A document filed in an appellate court by the prevailing party in the court below arguing against setting aside the judgment. This document is filed in response to brief filed by the Appellant.

Respondent Brief: An answer or response to a application to review a prior judgment. In this instance, review of a decision by an administrative law judge.

#13. Recommendations to the Solicitor General: Memoranda to the Solicitor presenting the unit's legal judgment for or against an appeal, petitions for certiorari, or amicus participation.

#17. HUD Enforcement Actions: Cases involving judicial enforcement of final administrative orders.

#18. Legal Counsel and Research Assistance: Formal comments (written and oral) to other Divisions, agencies, or the Solicitor General concerning cases handled by others, as well as other legal and policy memoranda not connected with a particular Division case, prepared at the request of the Assistant Attorney General.

#19. & #10. Non-Merits Decisions: Determinations of courts which do not affect the substance of a litigant's claim. These decisions are made on procedural motions and can be immediate or final in result. See #13 & #14 for "End Outcome" non-merits decisions in which the Supreme Court denied certiorari or stay, and the courts of appeals denied stay.

#19a. Certiorari: A means of obtaining review by the Supreme Court.

#19b. & 10b. Stay: A postponement by the court of the right of the winning party to enforce its judgment.

#10a. Rehearing: Reconsideration of the issues by the same court.

B. Factors Affecting FY 96 Program Performance.

Categories reflect increases over fiscal years due to significant increased litigation in the Voting Rights and Housing areas. There has been a slight increase in the number of criminal prosecutions we continue to defend. Appellate Activity is contingent upon the level of activity in the trial sections of this Division, and in the Office of General Counsel of the Department of Housing & Urban Development. See also, Section "C" for other factors affecting actual figures or estimates.

C. Factors Affecting Selection of FY 97 and 98 Targets.

Estimates or projections for future years in all categories are based on considerations of staffing, production in previous years, and the level of activity in the trial sections. It should be noted, however, that the work of this Program is closely correlated to the Output/Activity of litigative programs, and that its Supreme Court activity is dependent upon the types of cases which the Court decides to hear.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Civil Rights Prosecution		PERFORMANCE INDICATOR INFORMATION				PERFORMANCE TARGETS AND ACTUAL RESULTS			
Type of Indicator	Performance Indicator	1994 Actual	1995 Actual	1996 Target	1997 Actual	1997 Target	1998 Actual	1998 Target	
INPUT	Perm. Pos	48	47	47	47	47	50		
	FTE	49	47	47	47	47	49		
	Amount (000)	\$4,368	\$4,328	\$6,526	\$6,503	\$4,523	\$5,192		
WORKLOAD	1. Number of Complaints Received	8342	8864	11721	11721	11721	11721		
	a. from Citizens	5312	6083	8538	8538	8538	8538		
	b. from the FBI	3030	2781	3183	3183	3183	3183		
OUTPUT/ACTIVITY	2. Number of Complaints Reviewed	8505	8681	8593	10129	9105	9674*		
	3. Number of Matters Investigated	2633	2370	2370	2619	2619	2619		
	4. Number of Matters Closed	2686	2462	2462	2179	2442	2594*		
	5. Number of New Matters to Grand Jury	64	68	66	70	67	71*		
	6. Number of Cases Filed by Type of Case	76	83	79	79	79	83*		
	a. Official Misconduct	34	27	30	22	22	23*		
	b. Racial/Religious Violence (Hate Crimes)	36	42	39	38	38	40*		
	c. FACE	3	10	6	4	4	4*		
	d. Involuntary Servitude/Other	3	4	4	2	2	2*		
	e. Church Arson/Desecration	..	..	11	13	13	14		
	7. Outreach and Prevention Efforts	n/a	n/a	30	53	53	56*		
	a. Attorney hours-3rd and 4th Quarters, FY96	n/a	n/a	n/a	n/a	n/a	n/a		
	b. Attorney hours targeted	n/a	n/a	n/a	n/a	126	133*		
INTERMEDIATE OUTCOME	8 Pending Matters	1936	1806	1806	2227	2227	2074		
	9 Pending Grand Juries	67	59	59	61	61	65		
END OUTCOME	10 Success Rate of Cases - Overall	90%	89%	89%	87%	87%	87%		
	a. Official Misconduct	78%	78%	78%	64%	64%	64%		
	b. Racial/Religious Violence (Hate Crimes)	100%	93%	93%	100%	100%	100%		
	c. FACE	100%	100%	100%	100%	100%	100%		
	d. Involuntary Servitude/Other	100%	100%	100%	100%	100%	100%		
PRODUCTIVITY/ EFFICIENCY	e. Church Arson/Desecration	..	..	100%	100%	100%	100%		
	11. Matters Investigated/Attorney	107	103	103	91	102	102		
	12. New Matters to Grand Jury/Attorney	2.6	2.8	2.8	2.9	2.8	2.8		
	13. Cases/Attorney	3.0	3.3	3.3	3.3	3.3	3.3		
		n = 22	n = 24	n = 24	n = 24	n = 24	n = 27		

A. Definitions of Terms or Explanations for Indicators:

Item 1--This figure reflects the total of Items 1(a) and 1(b).

Item #1(a)--The 'Number of Complaints Received from Citizens' includes letters received from citizens as well as telephone complaints received and controlled mail referred from the White House, Congress and the Attorney General for review and response.

Item #1(b)--The 'Number of Complaints Received from the FBI' includes less serious, non-brutality complaints called '017s' that are reviewed by paralegals. The remaining complaints are FBI investigations ('Matters Investigated' Item 3) which are assigned to attorneys.

Item #2--This figure includes the total of all forms of complaints reviewed by the Program including FBI investigations, citizen complaints, citizen calls and controlled correspondence such as letters from Congress and the White House as well as letters addressed to the Attorney General. This total may exceed the number of complaints received because it includes complaints received during prior fiscal years.

Item #3--This figure includes investigations conducted by the FBI and referred to the Program for prosecutive review as well as complaints received directly by the Program and referred to the FBI for investigation. This figure is included in 1(b) above with the difference of 3 from 1(b) equaling less serious, non-brutality FBI reports received by the Program.

Item #4--This figure reflects all FBI investigations reviewed and closed in a given fiscal year including incidents prosecuted and closed upon conclusion of litigation. This number may exceed FBI investigations received because it includes investigations received during prior fiscal years which remained active for various reasons, e.g., awaiting results of local/state prosecution to ensure federal interests vindicated, awaiting results of additional investigative developments, awaiting federal prosecution and appeals process.

Item #5--This figure reflects the number of grand jury investigations initiated during a given fiscal year.

Item #6(d)--'Other' are cases involving offenders not related to racial/religious violence which grew out of racial/religious violence cases; involuntary servitude cases are also included on this line. FY95 figures also include one cruelty to seamen case.

Item #6(e)--'Church Arson/Desecration' are cases involving fires or damage to churches. These types of cases were categorized as racial/religious violence (hate crimes) in the past. The creation of the National Church Arson Task Force (NACTF) and the expansion of the statute used to enforce damage to religious property necessitated the need to list this type of case separately.

Item #7--This figure indicates the number of training and outreach programs in which lawyers from the Criminal Section participated, e.g., training law enforcement agencies in an effort to prevent abuse, FBI and INS programs targeting federal, state and local law enforcement supervisors for training on civil rights issues, conferences designed to communicate hate violence activities to public interest organizations. This performance indicator was not tracked until FY 96.

Item #7a and #7b--These figures indicate the number of Criminal Section attorney hours spent conducting presentations at training and outreach programs. This performance indicator was not tracked until the third and fourth quarters of FY96 (May, 1996).

Item #8-- This figure reflects the number of investigations pending review and disposition at the end of a given fiscal year. This number includes cases charged but pending litigation.

Item #9-- This figure refers to matters awaiting presentation to a federal grand jury or outcome of an on-going grand jury investigation.

Item #10-- 'Success Rate' = (Convictions + Pleas)/(Convictions + Pleas + Acquittals + Dismissals). Numbers reflect all activity occurring or projected within a given fiscal year. For example, some of the actual convictions, pleas and acquittals occurring in a given fiscal year, which are used to calculate 'Success Rate', resulted from cases filed in prior fiscal years.

Items #11, #12 & #13-- 'Productivity/Efficiency' Indicators were based on the number of line attorneys authorized for that fiscal year (or 'n'). For example, the actual number of 'Matters Investigated and Closed per Attorney' for FY 94 (107) was derived by dividing the number of 'Matters Closed' (2686) by the number of line attorneys (22).

B. Factors Affecting FY 96 Program Performance.

Items #1 and #3-- While the number of FBI investigations received during FY 96 was approximately 10% higher than the number of investigations received last fiscal year, there was also an influx in the number of citizen complaints received during FY 96 resulting in a 40% increase in the number of total complaints received.

Item #2-- The total number of complaints reviewed during FY 96 is substantially higher due to the influx in citizen correspondence received and ultimately reviewed by the paralegal staff.

Items #4, #6 and #8-- The decrease in the number of matters closed and the number of cases filed during FY 96 as well as the increase in the number of pending matters is due in part to increased attorney resources spent on complex investigations and prosecutions, such as a death penalty trial which consumed full-time resources of two attorneys over a three month period. Litigation of a multiple-defendant prison case which also consumed the resources of two attorneys on a full-time basis for approximately four months, an involuntary servitude case which ultimately resulted in the guilty pleas of eight Thai nationals and consumed the full-time resources of one attorney over a four month period, an investigation into a prison riot including hundreds of witnesses which has consumed the resources of two attorneys over a six month period, an on-going, extensive grand jury investigation relating to the use of excessive force by police officers which has consumed full-time resources of one attorney and part-time resources of another as well as an on-going grand jury investigation relating to the use of excessive force in the apprehension of two undocumented aliens by deputy sheriffs which has consumed substantial resources of one attorney. In addition, the current level of lawyers with little criminal experience has limited our ability to assign these attorneys to work independently on grand jury investigations.

Item #7-- No comparison figures are available since this performance indicator was not tracked until FY 96.

Item #7a and #7b--No comparison figures are available since this performance indicator was not tracked until the third and fourth quarters of FY96. Therefore, item 7a includes actual attorney hours spent from May through September, 1996. The Target for FY97 is based on performance during last six months of FY96, and the target for FY98 is based on FY97 indicators with requested enhancements.

Item #10--The FY 96 success rates are based on the actual outcome of cases during fiscal year '96.

C. Factors Affecting Selection of FY 97 and 98 Targets.

Items #1 and #3--Since we have no control over the number of 'Complaints Received' and 'Matters Investigated', FY 97 and FY 98 Targets are the same as FY 96 actuals.

Item #2, #4 and #5--FY 97 Targets are based on the historical average of complaints reviewed from FY 94, FY 95 and FY 96. 'Increase in total number of complaints reviewed is due to large volume of citizen complaints reviewed. Number of matters closed has decreased slightly due to multiple attorney resources on several complex cases.

Item #6(a)-(d)--FY 97 targets based on actual FY 96 performance. Total cases filed during FY 95 reflects the largest number of cases filed during one year and it is difficult to predict exactly how many cases will be filed each year.

Item #7--FY 97 Target based on actual performance for FY 96.

Items #8 and #9--Targets for FY 97 are the same as FY 96 actuals. With three additional attorneys in FY 98, the program assumes an increase among some performance indicators including Pending Grand Juries' and a decrease in 'Pending Matters'.

Item #10--Because 'Success Rate' is difficult to predict, FY 97 and FY 98 Targets are the same as FY 96 Actuals.

* Except where noted above, all FY 98 targets are based on FY 97 indicators with requested enhancements

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: SPECIAL LITIGATION SECTION

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE PROJECTION AND ACTUAL RESULTS					
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1997 Target	1998 Target	
INPUT	Perm. Pos.	35	34	34	34	34	
	FTE	32	31	31	31	31	
	Amount (000)	\$3,411	\$3,355	\$3,491	\$3,488	\$3,626	
WORKLOAD	1. Number of citizen contacts received including telephone calls:						
	a) CRIPA	2694	2825	2900	3075	3100	3200
	b) FACE	--	75	75	1065	60	60
	c) Police Misconduct	--	20	50	50	85	100
	d) ADA	--	150	300	25	--	--
	2. Number of new investigations opened:						
	a) CRIPA	17	29	7	7	10	10
	b) FACE	2	30	30	10	10	10
	c) Police Misconduct	--	6	8	9	8	8
	d) ADA	--	--	10	0	--	--
	3. Number of new cases opened:						
	a) CRIPA	9	9	8	4	7	8
	b) FACE	--	9	10	3	5	5
	c) Police Misconduct	--	--	2	2	3	4
	d) ADA	--	--	2	1	--	--
	4. Number of facilities monitored pursuant to CRIPA consent decrees.	33	44	60	68	65	70
	5. Number of Consultant/ expert evaluations of institutions	100	100	120	108	115	125
	6. Number of institutions from which documents received and reviewed	90	116	120	110	115	120

Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996		1997 Target	1998 Target
				Target	Actual		
OUTPUT	7. Number of cases under suit at end of FY						
	a) CRIPA	31	38	43	37	38	40
	b) FACE	--	9	10	12	14	19
	c) Police Misconduct	--	0	2	2	5	8
	d) ADA	--	--	2	1	--	--
	8. Number of facilities monitored pursuant to PLRA requirements	--	--	--	130	80	50
	9. Number of compliance reports reviewed	150	175	200	180	180	190
	10. Number of police misconduct field investigations completed or in progress by Section staff	--	4	10	11	8	8
	11. Number of speeches, conferences & appearances by Section staff	10	10	12	6	10	12
	12. Number of referrals to FBI	--	17	14	15	17	20
	13. Number of ADA Administrative Reviews completed	--	--	10	2	--	--
	14. Number of facilities receiving CRIPA findings letters	33	29	15	22	10	12
	15. Number of Contempt Motions filed	--	4	5	6	6	6
	16. Number of citizen complaints reviewed	--	--	2600	2706	2850	2950
INTERMEDIATE OUTCOME	17. Number of cases closed	3	5	5	5	6	6
	18. Number of CRIPA settlements entered	10	8	10	6	12	12

Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
END OUTCOME	19. Percentage of facilities under CRIPA suit for which consent decrees, court orders or preliminary injunctions have been achieved	97%	93%	95%	94.8%	95%	95%
	20. Number of FACE Preliminary Injunctions won	--	5	4	1	2	2
	21. Number of facilities which instituted new policies as a result of CRIPA enforcement	--	90	85	92	94	96
	22. Number of new facilities constructed as a result of CRIPA enforcement	--	7	5	6	6	6
	23. Number of facilities which increased staff resources due to opening of CRIPA investigation or filing of complaint	--	80	85	85	88	92
END OUTCOME	24. Of total active consent decrees/ court orders, percentage achieving partial compliance	95%	95%	100%	100%	95%	97%
	25. Number of consent decrees, permanent injunctions or court orders obtained	10	14	15	18	8	10
	a) CRIPA	--	4	4	6	5	3
	b) FACE	--	--	--	1	3	3
	c) Police Misconduct	--	--	--	0	--	--
END OUTCOME	26. Percentage of cases favorably resolved in whole or in substantial part by consent decree, preliminary injunction, or court order	90%	91%	90%	95%	95%	95%
	27. Numbers of persons at reduced risk of harm (via improved medical care, improved living conditions, adequate staffing) as a result of CRIPA enforcement:	--	118,270	120,000	120,000	122,000	125,000
	a) Prisons	--	3,010	3,200	3,200	3,400	3,600
	b) Jails	--	1,500	2,000	2,000	2,500	2,800
	c) Mental Health	--	5,000	5,000	5,500	5,800	5,900
END OUTCOME	d) Mental Retardation	--	2,600	3,000	3,000	4,200	4,400
	e) Juvenile Detention	--	200	550	550	3,000	3,300
	f) Nursing/ Chronic Care	--	--	--	--	--	--

Type of Indicator	Performance Indicators	1994		1995		1996		1997		1998	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
	28. Number of consent decrees terminated	3		4		3		4		7	
	29. Number of investigated facilities closed	2		5		10		11		10	
	30. Number of case/investigation closures due to voluntary compliance	..		3		3		6		3	

PRODUCTIVITY/ EFFICIENCY TO BE DEVELOPED

A. Definitions of Terms or Explanations for Indicators:

N.B. Data in this chart regarding institutional facilities includes data from seven pre-CRIPA cases still monitored by the Section. Data for target categories are rough estimates. Dashes are used in the table to indicate that the data is not available or was not a Section enforcement responsibility for the period in question.

#1. A good number of the 150 ADA matters in FY 1995 and 1996 were referred from Disability Rights Section and included some materials dated prior to that fiscal year. At the end of FY 1996, authority to handle Title II of ADA was reassigned to the Disability Rights Section. Of the 1065 incoming FACE complaints, approximately 1035 were identical and a result of an unusual letter writing campaign orchestrated by a non-profit group. These letters were answered by a standard response. The number of incoming matters under ADA is lower than expected due to the re-assignment of responsibility for this statute before the end of FY 1996.

#2. In view of the workload demands of already open investigations and cases in litigation, it is expected that fewer new CRIPA investigations will be able to be opened in FY 97-98. Fewer than expected FACE investigations were initiated due to the chilling effect the statute has had on violative activity nationwide. Fewer than expected ADA investigations were initiated in FY 1996 due to the reassignment of enforcement authority for Title II.

#3. CRIPA enforcement allows a period of informal voluntary compliance by subject institutions. This period includes time for the promised improvement to be established, re-evaluation tours by consultants, review of the institution's remedial plans, evaluation of institution progress in eliminating identified constitutional deficiencies. Additional findings letters may be issued when unsatisfactory progress is made. Formal consent decree negotiations may commence which often take one year or longer to conclude. Each investigation is considered individually and specific responses are made to institutions as required by the facts presented. There were fewer new CRIPA cases initiated in FY 1996 due to staff resources being allocated to completion of CRIPA investigations and PLRA enforcement. Fewer FACE cases filed in FY 1996 reflected the chilling effect that the statute has had on violative activity nationwide. Note that one of the two police misconduct cases filed in FY 96 was U.S. v. Kentucky which also alleged CRIPA violations and is also counted as a CRIPA case.

#7. There were fewer than expected CRIPA cases by the end of the year due to staff resources being allocated to CRIPA investigation completions and PLRA enforcement activities.

#9. Compliance reviews analyze, *inter alia*, incidents of harm, medical and psychiatric care, use of restraint, staffing ratios, adequacy of professional staffing, staff training, and community placement.

- #11. Speeches and conferences are utilized as outreach to explain to interested groups and parties about Department policies and to solicit views. Fewer than expected conferences were attended in FY 1996 due to financial considerations.
- #12. Referrals are usually made in connection with FACE and police misconduct matters.
- #14. Initial findings letters are sent at the end of the investigation period of CRIPA enforcement, as statutorily required. Delays in completing investigations are caused by the time required to schedule consultants for tours, conduct on site evaluations, review voluminous institutional documents, interview staff and other interested parties, etc. Often the unwillingness of state and local officials to cooperate results in numerous negotiation sessions to resolve questions on the appropriateness of the method of investigation. In FY 1996, the Section exceeded by seven the expected number of findings letters sent. Substantial investigative activity throughout the year produced findings concerning 22 different facilities.
- #15. Contempt motions are filed when defendants fail to comply with ordered relief. Typically, they occur after a protracted period of non-compliance.
- #17. Cases are not closed until minimum constitutional standards of care have been achieved. Protracted negotiation over the terms of settlements and the degree to which facilities achieve compliance with those terms often takes many years, depending on the efforts made by the defendants. When compliance is achieved, consent decrees are terminated, or orders of dismissal are sought.
- B. Factors Affecting FY 96 Program Performance.**
- #1c. Police misconduct complaints are increasing. Factors leading to the increase include wide-spread media publicity surrounding incidents of alleged police misconduct, including videotape depictions of incidents shown nation-wide on newscasts and other special news programs.
- #4. The number facilities being monitored pursuant to consent decrees increased. For example, the State of Kentucky voluntarily agreed to apply a juvenile facility consent decree to all of its juvenile detention facilities and reformatories state-wide.
- #8. The Prison Litigation Reform Act of 1996 significantly increased the Section's workload under CRIPA.
- C. Factors Affecting Selection of FY 97 and 98 Targets.**
- Widespread publicity regarding alleged incidents of police misconduct is expected to continue and to produce increased numbers of complaints, investigations, and civil actions. Until remedies are afforded on a systemic basis throughout the country consistent with the Americans with Disabilities Act, a continued high volume of complaints can be expected. Abortion protests are still characterized by some incidents of unlawful activity, e.g., individuals seeking to bar access to clinics, threats to physicians and other clinic staff, which must be addressed pursuant to FACE. The newly enacted Prison Litigation Reform Act has significantly increased the Section's CRIPA work in prisons, jails, and juvenile correction facilities and will continue to do so until at least through FY 1998.

PERFORMANCE MEASUREMENT TABLE, PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: VOTING SECTION

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS			
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1997 Target
INPUT					
	Perm. Pos.	83	82	82	82
	FTE	88	86	86	86
	Amount (\$00)	\$7,697	\$7,740	\$7,751	\$7,732
				\$8,000	\$8,000
WORKLOAD/ACTIVITY					
	1. Entities that make \$5 preclearance submissions	9166	9166	9166	9166
	2. Counties subject to minority language requirements	414	414	414	414
	3. Counties eligible for federal observer	144	144	148	150
	4. Election coverage	n/a	170	175	285
	5. Matters received	27	22	14	22
	a. \$2	5	3	4	6
	b. \$5 enforcement	9	2	1	3
	c. \$5 declaratory judgment defense	5	4	1	3
	d. Minority language	1	1	0	2
	e. NVRA	0	7	1	1
	f. Shaw/Miller redistricting challenges	5	4	3	4
	g. UOCAVA	2	0	2	1
	h. miscellaneous	0	1	0	0
	6. Active cases	49	65	62	69
	a. \$2	n/a	10	10	10
	b. \$5 enforcement	n/a	10	10	10
	c. \$5 declaratory judgment defense	n/a	12	7	6
	d. minority language	n/a	7	8	9
	e. NVRA	n/a	7	8	9
	f. Shaw/Miller redistricting challenges	n/a	10	12	14
	g. UOCAVA	n/a	1	2	2
	h. miscellaneous	n/a	1	1	0
	7. Election coverage - investigations	n/a	226	225	220
	8. Trials held	n/a	15	18	27
	9. Section 5	n/a	15	35	30
	a. \$2 submissions reviewed	4828	3868	4700	4700
	b. \$5 submissions received	20444	12935	19000	19000
	10. Election coverage			19432	18000
	a. elections monitored	31	22	25	16
	b. number of federal observers	458	337	500	480
INTERMEDIATE OUTCOME					
	11. Cases	n/a	28	34	20
	a. favorable nondispositive rulings	n/a	14	6	5
	b. unfavorable nondispositive rulings	n/a	674	854	804
	c. percentage favorable	n/a	107	74	59
	12. Section 5 requests for more information	n/a	107	74	59

Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
END OUTCOME							
13. Cases							
a. complex cases successfully litigated	n/a	2	2	3	2	2	3
b. complex cases unsuccessfully litigated	n/a	0	0	5	1	1	0
c. percent successfully litigated	n/a	100%	100%	100%	98%	67%	100%
d. standard cases successfully litigated	n/a	9	12	20	15	15	20
e. standard cases unsuccessfully litigated	n/a	3	0	3	2	2	1
f. percent successfully litigated	n/a	75%	100%	87%	89%	89%	95%
14. Section 5							
a. \$5 submissions objected to	55	36	25	8	12	14	14
b. voting changes blocked	116	182	4670	4719	4318	4682	4682
c. submissions received	n/a	12873	18960	19423	15976	18973	18973
d. voting changes legalized	n/a	138	208	105	240	240	110
15. Polling Places with discrimination prevented or remedied							
16. Completed cases & matters per individual attorney	n/a	33.0	33.4	41.3	35.7	36.0	
17. \$5 submission actions	1200	967	1175	1182	1088	1175	
18. \$5 change actions per attorney-reviewer	900	850	1000	1215	1067	1267	
19. \$5 analyst							

A. Definitions of Terms or Explanations for Indicators:

1. Entities that make Section 5 preclearance submissions are those that have made submissions since 1980 and include states and counties covered under Section 4 of the Voting Rights Act (VRA), counties subject to preclearance as a result of Section 3(c), and cities, school districts, and other such entities within them, all of which are counted individually in this measure, since each submits changes independently of the others.
2. Counties subject to minority language requirements are counties and other political subdivisions subject to Section 4(f)(4) or Section 203(c) of the VRA.
3. Counties eligible for federal observer election coverage are counties and other political subdivisions certified under Section 6 of the VRA or under Section 3(a) court order.
4. Matters received includes situations believed to be problems brought to our attention by letters, telephone calls, faxes, personal contacts, and our own research and inquiries with respect to our activities.
- 5a. Section 2 of the VRA prohibits practices that have a discriminatory result; we use it especially to challenge methods of election and redistricting plans that deny minorities a fair opportunity to elect candidates of their choice.
- 5b. Section 5 of the VRA requires the federal review of voting changes made by specially covered states and counties, cities, school districts, and other political entities to assure that they are not discriminatory. We bring Section 5 enforcement actions to enjoin the enforcement of changes to which an objection has been interposed by the Attorney General or which have not been received for the required review.

- 5c A jurisdiction can seek a Section 5 declaratory judgment that an objected-to voting change is not discriminatory. These cases usually are complex, and their defense is a nondiscretionary responsibility of the program.
- 5d Sections 4(f)(4) and 203 of the VRA require certain jurisdictions to use specified minority languages in their electoral processes.
- 5e The National Voter Registration Act (NVRA, or "motor voter" law), which went into effect on 1/1/95, requires the states to conduct voter registration by mail, to permit voters to register when they obtain drivers' licenses, and to conduct voter registration at specified government agencies, and prohibits voter purges except under very controlled conditions.
- 5f The Program seeks to defend redistricting plans unfairly characterized as racial gerrymanders under *Shaw v. Reno*, *Johnson v. Miller*, and *Bush v. Vera* that provide minorities fair opportunities to elect candidates of their choice.
- 5g The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) provides a remedy for the late mailing of absentee ballots for federal elections to members of the Armed Forces and other citizens who are abroad.
- 6 An active case is a case with activity or significant compliance monitoring at some point during the year.
- 8 Trials include evident jury and summary judgment and other dispositive hearings and major substantive status conferences.
- 9 Each Section 5 submission contains one or more voting changes.
- 10 Under Section 8 of the VRA federal observers selected by the Office of Personnel Management monitor elections where the Program has determined that observers are necessary to document and deter discrimination. In determining the number of elections monitored by federal observers, we count each time an election conducted by a county, city, or school district is monitored by federal observers.
- 11 Included under Intermediate Outcome are important but nondispositive court decisions, for example, with respect to motions for preliminary relief and summary judgment.
- 12 More information from submitting authorities with respect to Section 5 submissions is requested when necessary to enable us to determine whether or not the submitted changes are discriminatory. Section 5 objections are frequently preceded by "more information" requests.
- 13 Cases are classified complex by supervising attorneys based on the legal and factual issues involved. Cases are classified as successfully litigated by supervising attorneys when a consent decree is filed with the complaint, when a court grants the relief that we have sought, or when we otherwise accomplish the objectives of the litigation. Cases may be included even if appeals or compliance monitoring are not completed. Multiple cases may be included more than once (either in the same year or in different years) where multiple inclusion is required to accurately reflect the work and accomplishments of the Section.
- 14a,b Section 5 objections almost always lead to compliance by the submitting jurisdiction. If the jurisdiction refuses to comply, an enforcement lawsuit can be brought, in which it is not necessary to prove that the voting practice in question is discriminatory. Jurisdictions that respond to an objection by requesting reconsideration or filing a declaratory judgment action normally comply with the objection until it is withdrawn or the declaratory judgment is granted.

- 14c.d By preclearing a proposed voting change submitted under Section 5, the Attorney General makes the change legally enforceable under federal law. The numbers presented are based on #5 and 51a & b.
- 15 Polling places with discrimination prevented or remedied refers to polling places at which federal observers (see #10) were present. The presence of observers deters discrimination, enables us to remedy the discrimination while the election is in progress, or provides a basis for resolving prior to the next election those problems not amenable to immediate resolution (for example, inadequate minority language procedures).
- 16 Section attorneys, in addition to their litigation responsibilities, handle complex Section 5 submissions, handle numerous matters and inquiries that do not develop into lawsuits, investigate counties for the possible need for federal observer coverage under Section 8 of the VRA, and attend elections monitored by federal observers. Completed cases and matters per nonsupervisory attorney is based on the number of cases reported in #13 and completed matters as well as Section 5 submissions, election investigations, and election coverage.
- 17 Attorney-reviewers are section attorneys assigned to supervise Section 5 analysts in the review of voting changes and to prepare legal analyses of submissions.
- 18 Section 5 analysts also assist in litigation support and in election coverage preparation.
- B. Factors Affecting FY 96 Program Performance.**
- 5a Fewer Section 2 actions were filed than anticipated primarily because the Section was fully occupied by other litigation, especially Shaw/Miller and WRA litigation. See #5e,f and 6e,f.
- 5c All four of the new Section 5 declaratory judgment actions related to pending litigation brought by us or by others in the jurisdictions bringing the Section 5 actions, and two were resolved without discovery or trials. We are prepared for the continuation of this trend.
- 5d While no minority language lawsuits were filed during FY 96, the Letter of Agreement obtained from San Juan County, New Mexico, is the functional equivalent of a lawsuit in results achieved.
- 7 This is a new measure, and the number of elections that would be investigated was underestimated.
- 8 FY 96 was an extremely busy year for litigation, with many more court appearances than anticipated.
- 10b While the number of elections monitored by federal observers (#10a) was what was expected, smaller numbers of federal observers have been sufficient for many of the elections.
- 11 We projected a higher number of nondispositive rulings based on the number in 1995. However, 1995 was the first year that this indicator was measured, and it turns out that several of our cases had unusually large numbers of such rulings in 1995.
- 13a,b,c A higher proportion of our cases than expected turned out to be complex; these were primarily Shaw/Miller cases. Because the Supreme Court has rejected our position in these cases, our rate of success was lower than anticipated.
- 14a,b Because of changes in legal standards, reductions in submissions that most frequently lead to objections, and random fluctuations, the number of Section 5 objections was lower than anticipated. See C.14a,b.

- 15 See #10b.
- 16 An unexpectedly large number of short-term projects (see election coverage investigations, #7) increased the nominal productivity/efficiency measure for nonsupervisory attorneys.
- C. Factors Affecting Selection of PT 97 and 98 Targets.**
- 4 Increased staffing resulting from exceptions to the hiring freeze will enable the Program to discover and investigate a substantially increased number of matters in 1997 and 1998.
5. We expect a steady increase in new lawsuits in 1997 and 1998 because of the conclusion of a number of very demanding lawsuits in 1995 and 1996, the backfilling positions and management efficiencies.
- 5c.f We cannot actually set targets but can only project based on past experience the number of Section 5 declaratory judgment actions we will need to defend and the number of Shaw redistricting challenges in which we will participate. With respect to these, we react to the actions (or inactions) of others.
- 10 We cannot actually set targets but can only project based on past experience the amount of federal observer election coverage; we react to the actions (or inactions) of others. While the number of federal observer election coverage will vary depending on the amount of election-related activity, long term trends indicate whether discrimination in voting is increasing (if the numbers go up) or declining (if the numbers go down). The resources that we must devote to election coverage is only partially reflected by election coverage statistics, as we are required to investigate and sort out problems for which relief under the MRA is required from those that are political in nature or for which a remedy under state law is appropriate.
- 14a.b We cannot actually set targets but can only project based on past experience the number of Section 5 objections that will be interposed; we react to the actions (or inactions) of others. While the number of Section 5 objections will vary depending on the amount of election-related activity, long term trends indicate whether discrimination in voting is increasing (if the numbers go up) or declining (if the numbers go down). During the early part of this decade a large proportion of the Section 5 objections were to redistricting plans; we will anticipate a large number of redistricting plans in the next decade. Annexations also account for a large proportion of Section 5 objections in some years. The volume of annexations submitted for review varies greatly from year to year, and as a result predictions with respect to the number of annexation objections cannot be made with confidence. Decisions of the U.S. District Court for the District of Columbia and of the Supreme Court have effected a change in the legal standards for Section 5 preclearance that have resulted in the rejection of fewer Section 5 objections, and we expect the number of Section 5 objections to remain relatively low in 1997 and 1998.
17. 18 While objections are interposed to only a small percentage of voting changes that are submitted for review, and while some submissions require closer scrutiny than others, the Program's attorney-reviewers and Section 5 analysts must always be alert to changes that are superficially routine but when studied more carefully are problematic. We thus consider Section 5 submissions per attorney-reviewer and Section 5 changes per Section 5 analyst rates as high as those of 1994 and 1996 and these projected for 1997 and 1998 to be undervalable.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: EMPLOYMENT LITIGATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Input	Perm. Pos.	66	62	62	62	62	62	62	62
	FTE	65	61	61	61	61	61	61	61
	Amount(000)	\$5,749	\$5,401	\$5,648	\$5,630	\$5,644	\$5,662	\$5,662	\$5,662
Workload/Activity	1. Number of EEOC referrals received	106	133	115	108	120	120	120	120
	2. Number of right to sue requests received	3,267	4,689	4,000	5,060	5,000	5,000	5,000	5,000
	3. Number of pattern or practice investigations commenced		4	4	4	4	4	4	6
	4. Number of EEOC and other agency referrals investigations commenced			30		25	30	30	30
	5. Number of defensive cases received		11	15	21	20	10	10	10
	6. Number of congressional and citizen inquiries received	1,479	1,300	1,300	1,300	1,300	1,300	1,300	1,300
	7. Number of pattern or practice cases in active discovery at end of year		33	30	19	30	30	30	30
	8. Number of active investigations of EEOC referrals at end of year		16	15	14	15	15	15	15
	9. Number of cases based on EEOC referrals in active discovery at end of year		5	3	7	3	3	3	3
	10. Number of pattern or practice cases in Stage I discovery at end of year		10	6	3	6	6	6	6
	11. Number of pattern or practice cases in Stage II pending at end of year		11	9	12	10	10	10	10
	12. Number of defensive cases pending at end of year		11	5	24	11	8	8	8
	13. Number of suits based upon EEOC referrals commenced	8	12	15	8	10	10	10	10
	14. Number of pattern or practice suits commenced	10	4	4	3	4	4	4	4
	15. Number of outcome decrees actively monitored			60	65	60	60	60	60
	16. Number of suits based upon EEOC referrals recommended for approval		9	9	12	10	12	12	12
	17. Number of pattern or practice suits recommended for approval		5	4	2	4	4	4	4

NAME OF DECISION UNIT: EMPLOYMENT LITIGATION		PERFORMANCE TARGETS AND ACTUAL RESULTS									
		PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target				
Output/Activity	18. Number of EEOC and other agency investigations completed	50	50	40	45	50	50				
	19. Number of pattern or practice investigations completed			4	5	4	4				
	20. Number of rights to sue letters issued	2,330	3,992	3,300	5,808	4,200	4,200				
	21. Number of responses made to consolidated mail and citizen inquiries	1,093	1,089	1,000	698	1,100	1,100				
	22. Number of state court orders requiring judicial activity or extensive enforcement efforts	...	16		17	15	15				
	23. Number of suits based upon EEOC referrals approved	...	4	4	8	4	6				
	24. Number of pattern or practice suits approved during the fiscal year	...	4	4	3	5	6				
Intermediate Outcome	25. Number of Pattern or practice suits approved in prior fiscal years in active settlement discussions at end of year		7	5	2	5	6				
	26. Percentage of investigations which lead to lawsuits	...	...	...	...	75%	75%				
	27. Percentage of RTS letters issued within 90 days of receipt of charge from EEOC			0%	5%	50%	60%				
	28. Percentage of EEOC referrals investigated				25%	50%	50%				
	29. Percentage of investigations based on EEOC referrals completed within 12 months of referral				95%	90%	90%				
	30. Number of consent decrees and out of court settlements obtained	16	18	10	12	12	16				
	31. Number of court orders (other than consent decrees) obtained	5	2	5	11	5	5				
End Outcome	32. Monetary relief obtained for victims of discrimination	\$9.9 mil	\$10.4 mil		\$6.2 mil	N/A	N/A				
	33. Number of court orders dissolved		7	N/A	20	N/A	N/A				
	34. Number of victims receiving monetary relief	1676	120		1,500	N/A	N/A				
	35. Number of victims receiving job relief				50	50	50				
	36. Percentage of lawsuits resolved by entry of a favorable court order	90%	85%		75%	95%	95%				
	37. Percentage of authorized suits settled without trial				80	85%	85%				
Predictability/Effectiveness											

A. Definitions of Terms or Explanations for Indicators:

#1 Pursuant to section 706 of Title VII of the Civil Rights Act of 1964, as amended, the Equal Employment Opportunity Commission (EEOC) refers to the Department of Justice charges of discrimination against state and local governments that it believes are worthy of litigation.

#2 Title VII requires that charging parties receive notices of right-to-sue before commencing private litigation. The Employment Litigation Section is responsible for issuing such letters when the charge involves a state or local government employer.

#3 Pattern or practice investigations refer to the Attorney General's self-starting authority set forth in section 707 of Title VII. Included are both preliminary investigations and investigations formally authorized by the Assistant Attorney General.

#1 and #4 Not all EEOC referrals are investigated. Therefore, the numbers of EEOC referrals received and investigated will not be identical.

#30 Represents decrees agreed to by parties during the fiscal year.

#10 Stage I refers to the liability stage of litigation

#11 Stage II refers to the stage of litigation whereby victims of discrimination are identified and the make-whole relief to which they are entitled is determined.

#32 Represents monetary relief contained in decrees agreed to during fiscal year.

#34 Represents estimated number of victims who will receive monetary relief under decrees agreed to during the fiscal year.

#35 Represents estimated number of victims who will receive job relief under decrees agreed to during fiscal year.

B. Factors Affecting FY 96 Program Performance.

#1 In FY 1996 the program received more referrals of individual charges of discrimination from the EEOC over FY 1994. The Program has no control over the number of such referrals that are received from the EEOC.

#2 FY 1996 witnessed an increase in the number of request for notices of right-to-sue over what was anticipated. As noted in the text, the Program has a statutory responsibility to respond to such requests.

#3, 4, 13, 14 The number of affirmative 706 and 707 investigations and suits commenced is directly correlated to the number of defensive cases, and their complexity, that are filed and must be defended. At the present time, the Section is devoting 25% of its resources to defensive litigation. The Section has requested an increase of two attorneys for FY98. The additional staff will offset the loss of some of the staff that are working on the Adairand litigation, and allow us to increase the number of affirmative matters for which we are responsible.

85 The Program has no control over the number of defensive cases that are filed and which it has a statutory obligation to defend.

820 Because of the increased number of requests, the Program issued more than 731 more notices of right-to-sue than it had anticipated. Due to limited resources, the Program's backlog of requests for notices of right-to-sue increased. The Program is exploring various options to address this matter.

C. Factors Affecting Selection of FY 96 and 97 Targets.

The Program's ability to investigate and litigate violations of Title VII will be affected by the number and complexity of the defensive cases that are filed in the text of the Adjudicatory decisions. In addition, the Program's ability to litigate affirmative action programs, defending them and other defensive cases requires the program to divert its resources from Title VII enforcement. Therefore, the number of Title VII investigations commenced and completed, as well as the number of Title VII suits initiated will be inversely correlated to the amount of defensive litigation that is extant.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT									
NAME OF DECISION UNIT: Coordination and Review Section (COR)									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	PERFORMANCE TARGETS AND ACTUAL RESULTS	
INPUT	Perm. Pos.	33	23	23	23	23	23		
	FTE	32	21	22	22	22	22		
	Amount (000)	\$3,215	\$2,495	\$2,641	\$2,631	\$2,639	\$2,745		
WORKLOAD	1. Complaints against DOJ recipients received	NA	62	250	86	200	250		
	2. Citizen correspondence and non-Title VI, Title IX complaints received	NA	1078	1852	1200	1300	1300		
	3. Agency requests for training received	NA	17	20	20	20	20		
	4. Agency regulations and policy documents	NA	8	25	30	55	55		
	5. Agency requests for technical assistance	NA	25	50	50	100	100		
OUTPUT/ACTIVITY	6. Issuances of the Civil Rights Forum	NA	2	4	4	4	4		
	7. Agency coordination/program performance meetings held	NA	25	33	40	45	45		
	8. Agency training sessions conducted	NA	17	20	20	20	25		
	9. Technical assistance/legal opinions responses	NA	25	50	40	80	80		
	10. "Clearinghouse" referrals of Title VI, Title IX and complaints to appropriate agencies	NA	105	180	180	180	180		
	11. Agency regulations and policy documents	NA	7	18	18	20	25		
	12. DOJ complaint investigations closed	NA	20	200	65	150	250		
INTERMEDIATE OUTCOME	13. Percentage of agency training requests fulfilled	NA	100%	100%	100%	100%	100%		
	14. Percentage of technical assistance/legal opinion requests fulfilled with services or written advice	NA	(17)	(20)	(20)	(20)	(20)		
			(25)	(30)	(40)	(80)	(80)		
	15. Percentage of "clearinghouse" complaint referrals and responses to citizen correspondence and completed within 30 days (items 2 & 10 above)	NA	90%	70%	70%	60%	60%		
			(1,065)	(1,422)	(966)	(888)	(888)		
	16. Percentage of open complaint investigations closed	NA	32%	68%	43%	60%	55%		
			(20)	(200)	(65)	(169)	(210)		

Type of Indicator	Performance Indicator	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
END OUTCOME	17. Federal agency personnel trained to more effectively enforce civil rights statutes	NA	50	600	600	600	600
	18. Government staff, citizens, and other groups and individuals informed of legal and programmatic enforcement policies/procedures	NA	10,000	20,000	30,000	35,000	40,000
	19. Beneficiaries and recipients informed of rights and obligations under law	NA	10,000	20,000	30,000	35,000	40,000
PRODUCTIVITY/ EFFICIENCY	20. Open DOJ complaint investigations per investigator	NA	4	30	21	40	54
	21. DOJ complaint closures per investigator	NA	2	20	9	24	30

A. Definitions of Terms or Explanations for Indicators:

-- Actual figures for 1994 are listed as not applicable ("N/A.") because they exclusively or overwhelmingly addressed Section 504/ADA functions that were transferred to the Disability Rights Section. Performance indicators for 1995-1998 address the non-disability mission of the Coordination and Review Section, which was reorganized in mid-1995.

-- "E.O. 12250" (applicable to activities described in items 2-15 and 17-19) is the Executive Order directing the Attorney General to provide for the consistent and effective enforcement by the various federal funding agencies of the grant-related civil rights statutes that cover federally assisted programs. The Section carries out a coordination and review, technical assistance, and policy development program to implement the Executive Order. The statutes covered by E.O. 12250 are "Title VI" (Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin in federally assisted programs); "Title IX" (Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in federally assisted education programs; and the provisions of various program statutes that prohibit discrimination on the basis of race, color, national origin, sex, or religion in federally assisted programs.

-- "Agency" (items 3-5, 7-8, 10-11, 13 and 17) refers to the 27 Federal agencies administering federally assisted programs whose civil rights enforcement is coordinated by the Section under E.O. 12250.

-- "Clearinghouse" (item 10, applicable also to item 15) refers to the Section's coordination, assessment, and referral function with respect to complaints it receives (in its role as a central federal government reception point) to the appropriate federal agency that may have jurisdiction to investigate the allegations.

-- "DOJ complaints" (items 1, 12, 16, 20-21) refers to the Section's administrative complaint investigation activities with respect to allegations of discrimination in violation of Title VI, Title IX, and related statutes involving DOJ's federally assisted programs. DOJ, in addition to its governmentwide coordination role under E.O. 12250, also is one of the 27 federal funding agencies. Therefore, it is responsible for enforcing Title VI and related statutes in its own federally assisted programs.

B. Factors Affecting FY 96 Program Performance:

-- The actual numbers of Title VI complaints against DOJ recipients received in 1996 (item 1), open DOJ complaints per investigator (item 20), and complaint closures (items 12,16,21) are less than the 1996 target figures because in several carry-over and new cases that involved multiple complainants and allegations against the same recipients, the cases were consolidated.

-- Increases in the Section's 1996 governmentwide coordination, outreach, technical assistance, and policy review activities over 1995 figures (items 2-5, 7-11) reflect the results of outreach to agencies and to the public begun in 1995. These efforts reflect the Section's role in the Division's objective of revitalizing the enforcement of Title VI and related statutes.

-- 1996 actual figures for individuals informed of their rights and responsibilities under Title VI (items 19,20) exceed targets but still understate outreach activities for 1996. We cannot estimate the numbers of minority persons who heard the Title VI radio public service announcement that was distributed for airing to 600 minority-market stations.

C. Factors Affecting Selection of FY 97 and 98 Targets.

-- 1997 and 1998 increases in DOJ complaint investigation-related activities (items 1, 12, 16, 19, 20-21) are anticipated as the result of extensive outreach and public information efforts to make individuals aware of their rights under Title VI, and as the results of DOJ's police misconduct initiatives are realized.

-- Increases in E.O. 12150 interagency coordination and agency-related activities in 1997 and 1998 (particularly items 4, 5, 9, 11, and 18) reflect the results of the Section's post-organization outreach initiatives to Federal agencies.

-- 1997 and 1998 "clearinghouse" activity increases (line items 2, 10) are attributable to the Section's public information and outreach efforts to beneficiaries of federally assisted programs and to overall efforts to revitalize the enforcement of Title VI and related statutes.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Housing and Civil Enforcement									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
INPUT	Perm. Pos.	101	100	98	98	98	98		
	FTE	89	96	95	95	95	95		
	Amount (000)	\$9,278	\$9,917	\$9,995	\$9,967	\$9,978	\$10,210		
WORKLOAD	1. HUD Referrals	155	120	20	40	50	50		
	a. Election	13	6	10	3	5	5		
	b. Prompt Judicial Action	23	10	10	5	5	5		
	c. Zoning	n/a	11	10	8	10	10		
OUTPUT/ACTIVITY	2. Referrals from Bank Regulatory Agencies								
	3. Non-Discretionary Case Filings	155	114	120	37	50	50		
	a. HUD Election	150	112	115	37	45	45		
	b. HUD Prompt Judicial Action	3	2	4	-	4	4		
	c. Defensive Cases	2	-	1	-	1	1		
	4. Discretionary Case Filings	39	19	30	23	37	37		
	a. Election	26	15	25	19	32	32		
	b. Prompt Judicial Action	11	10	12	4	13	15		
	1. Fair Lending Pattern or Practice	4	1	5	5	5	5		
	2. Insurance Pattern or Practice	-	-	1	-	1	1		
	3. Zoning	3	-	1	-	1	1		
	4. Other Pattern or Practice	8	2	6	10	10	10		
	b. Amicus Curiae or Intervention in Housing Cases	9	3	3	2	3	3		
	c. Public Accommodations	4	1	2	2	2	2		
	5. Number of Election Cases Referred to U.S. Attorneys	66	87	90	30	40	40		
	6. Testing								
	a. Number of Sites Tested	-	247	250	234	250	300		
	b. Number of Tests	-	300	300	290	300	350		
	c. Number of Contracts	-	5	5	8	8	10		

Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
Intermediate Outcome	7. Number of Trials/Hearings	-	46	35	36	35	35
	a. Trials on the Merits	-	17	10	6	10	10
	b. Other Hearings	-	29	25	30	25	25
End Outcome	8. Investigations Conducted	-	-	25	207	210	210
	Intermediate Outcome	N/A					
	9. Number of Case Resolutions (where U.S. prevailed)		125	130	92	130	130
End Outcome	a. HUD Non-Discretionary Cases		100	100	58	50	50
	1. Consent Decree or Other Settlement						
	2. Trials in Election Cases		84	90	50	40	40
	3. Other Litigated Judgments (summary judgments, prompt judicial actions)		13	5	4	5	5
			3	5	4	5	5
	b. Pattern or Practice Cases		24	30	30	30	30
	1. Consent Decree or Other Settlement		20	22	26	22	22
	2. Trials		2	4	2	4	4
	3. Other Litigated Judgments (e.g., summary judgments)		2	4	4	4	4
	c. Amicus Curiae Cases		1	3	4	3	3
	10. Total Monetary Relief		\$24,026 million		\$15,050 million	\$15 million	\$15 million
	a. HUD Election Cases		\$118 million		\$11.2 million		
	b. Pattern or Practice/Zoning Cases:						
	Total Amount/Amount of Civil Penalty (no targets)		\$22,346 million		\$13,760 million		

A. Definitions of Terms or Explanations for Indicators:

Item #1. In the workload category, the number of election and prompt judicial action referrals has been slightly reduced in 1996. This is due to the fact that the number of cases filed in the category of election and prompt judicial action referrals are required to be filed by statute, there are occasions when we actually do not file (e.g., when the case settles before filing in court or when newly discovered evidence indicates the referral should be returned to HUD for reconsideration.)

Item #4(a)(3) refers to "other pattern or practice" cases. This number includes the important pattern or practice cases we file that do fall into one of the priority categories listed before them, i.e., testing, fair lending, insurance or zoning. It is important to note that this category does NOT include in its count several additional cases which are filed as election cases alleging individual acts of discrimination, which are subsequently expanded to include pattern or practice allegations through the filing of an amended complaint after discovery of evidence indicating a broad pattern or policy of discrimination by the defendant. In other words, there are other pattern or practice cases being initiated through amending the election cases which are not captured by this category.

Item #7 has been modified to "Other Hearings" as opposed to "Prompt Judicial Action Hearings." The broader "Other Hearings" which includes prompt judicial action hearings as well as other court hearings and on such matters as summary judgment and discovery motions, is a more accurate indicator of our Output/Activity.

Item #8. Investigations are defined as matters opened and requiring investigative activity by an attorney and/or paralegal.

B. Factors Affecting FY 96 Program Performance.

Item #3. The actual non-discretionary case filings for 1996 were considerably lower than targeted. This is due to the greatly reduced number of HUD referrals of election and prompt judicial action cases. This trend was first noted in 1995 and it accelerated in 1996. This has a direct impact on the number of non-discretionary case filings. We believe this is primarily due to the increased number of complaints that are referred to state agencies. We are currently in the process of reviewing the impact of this trend on our program. We expect to consult with HUD to determine the causes of the decline in such cases in the last two years and their expectations for the future.

Item #8. When targeting the number of investigations, we were not using the present definition of investigation. Because of the broader definition of investigations the number of actual investigations was far greater than targeted.

Item #10. The amount of monetary relief in 1995 was a record high; this figure was affected in part by one settlement of \$16.5 million in the property insurance area. Because one settlement of this magnitude is not always predictable, it is difficult to accurately predict this figure in advance.

C. Factors Affecting Selection of FY 97 and 98 Targets.

These targets have been adjusted to reflect our experience in 1996, especially in the reductions of HUD referred cases. This has led to a reduction in the number of cases referred to state agencies. We have slightly increased the expected number of discretionary case filings of case resolutions for such cases. We have slightly increased the expected number of discretionary case filings for 1997 and 1998 because we expect a higher number of cases to be generated by our testing program.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Educational Opportunities

PERFORMANCE INDICATOR INFORMATION

PERFORMANCE TARGETS AND ACTUAL RESULTS

Type of Indicator	Performance Indicators	1994		1995		1996		1997		1998	
		Actual		Actual		Target		Target		Target	
INPUT	Perm. Pos.	31		30		30		30		30	
	FTE	32		31		31		31		31	
	Amount (000)	\$2,641		\$2,576		\$2,715		\$2,714		\$2,828	
WORKLOAD/ACTIVITY	1. Number of Cases Pending			218		216		214		212	
	2. Number of School Districts Involved in Cases			514		511		508		504	
	a. Assigned to Attorney			156		159		208		210	
	b. Assigned to the Compliance Monitoring Unit (CMU)			358		322		347		294	
	3. Number of Complaints Received			414		450		305		500	
	a. Citizens/Community Groups			306		330		255		380	
	b. Congressional Referrals			108		120		50		116	
	4. Number of Matters Received			6		7		3		8	
	5. Number of OCR Referrals Received			1		5		0		6	
	6. Number of Compliance Reports Received			145		155		156		200	
	7. Number of Modification Proposals Received			17		23		22		27	
	8. Number of Unitary Status Inquiries Received			8		11		6		15	
	9. Letters of Finding from OCR re: Investigation Initiated of DOJ Case			1		2		2		3	
	10. Number of On-going Investigations Pending			325		313		328		303	

Type of Indicator	Performance Indicator	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
OUTPUT/ACTIVITY	11 Number of Matters Pending		..	20	21	27	30
	12 Number of Responses to Citizen/Community Group Complaints		306	330	255	380	400
	13 Number of Responses to Congressional Inquiries		108	120	50	100	100
	14 Number of Matters Reviewed		6	7	3	8	9
	15 Number of Investigations Initiated		5	8	8	10	15
	16 Number of Complaints Referred to Other Agencies/Sections		58	64	60	70	50
	17 Number of New Cases Filed or Supplemental Relief Sought		0	5	0	7	10
	18 Number of Responses to Proposals/Petitions to Modify Desegregation Plan (Approved)		17	23	14	27	30
	19 Number of Compliance Reports Reviewed		145	155	156	200	225
	20 Number of Compliance Reviews Initiated		21	30	25	33	25
	21 Number of Responses to OCR's Letters of Findings		1	2	2	3	4
	22 Number of Motions, Pleadings and Proposed Orders Filed		68	75	75	90	100
INTERMEDIATE OUTCOME	23 Number of Favorable Decisions Obtained						
	a. District Court		10	12	10	14	16
	b. Appellate Court		0	4	0	3	2
	24 Number of Consent Decrees Entered		15	20	18	27	35
	25 Number of Trials/Evidentiary Hearings Held		15	16	23	20	25
	26 Number of Investigations Completed		2	4	10	15	20
	27 Number of Compliance Reviews Completed		12	23	15	25	27
	28 Number of Matters Closed		27	5	1	7	9
	29 Number of Cases Pending at End of Year		216	211	217	212	210
END OUTCOME	30 Number of School Districts Administratively Closed		25	45	30	55	60
	31 Number of Cases Declared Unlawful and Dismissed		2	7	1	11	4
	a. Number of School Districts Involved/Affected		3	7	1	15	10
	32 Number of School Districts Affected by Favorable Judgments/Consent Decrees/Agreements		10	20	8	30	40
	a. Schools Involved		100	200	85	300	400
	b. Students Involved		300,000	600,000	255,000	700,000	800,000

A. Definitions of Terms or Explanations for Indicators:

#4 Matter refers to any correspondence given a "good" DJ number, however, the school district involved is not operating under a desegregation order to which the United States is a party. Also, the issue(s) involved has the potential to generate a new case.

#9 OCR refers to the Office for Civil Rights of the U.S. Department of Education who has primary responsibility for enforcing Title VI of the Civil Rights Act of 1964, which prohibits public school districts that receive federal funds from discriminating on the basis of race or national origin in a program or activity.

#10 Includes those school districts that are being actively monitored

#17 The bulk of our workload -- in addition to the higher education cases -- involves enforcement activities seeking compliance with extant desegregation orders and/or supplemental relief under those plans. Case activity necessary to obtain compliance with the existing court order and/or supplemental relief is prosecuted in the same manner as "new" litigation, and, thus, for FY 96 and FY 97 will be counted as such.

#23 A "favorable decision" is a decision by the court which affirms the position advocated by the United States.

#28 Most of these matters were administratively closed in prior years; however, they were not officially closed until FY 95. We normally do not close this many matters in a given period.

#29 There were no new cases filed FY 96. However, the number of cases increased because we discovered through our review project that two cases involving six school districts were erroneously given a dismissed status. The cases should have been given a D Gen status indicating that the court found the districts unitary, dissolved the detailed desegregation order, and entered a permanent injunction which includes general prohibitions against discrimination in various areas of school operation. The cases were then placed on the inactive docket of the court subject to being reactivated upon proper application by any party or on the court's motion. Thus, #1 for FY 95 should have reflected a total of 220 cases at the beginning of the year and #29 should have indicated a total of 218 cases pending at the end of the fiscal year. This has been corrected for FY 96.

#30 A school district is "administratively closed" when the review of the report to the court over a five year period has reflected no significant problems in the district.

B. Factors Affecting FY 96 Program Performance:

The Section continues to maintain a large non-discretionary workload and to date has been unable to exercise significant discretion in how to use its resources. In addition to actively monitoring and responding to complaints which require its immediate attention in several hundred elementary and secondary school districts, the Section is devoting substantial staff time to several high profile, complex, statewide higher education cases in Alabama, Mississippi, Louisiana and Tennessee. In the area of gender discrimination, the Section is handling two high profile suits involving discriminatory admissions in Virginia (Virginia Military Institute) and South Carolina (The Citadel). For FY 96, cases involving higher education continued to require substantial resources until appropriate remedial measures are finally approved by the courts and successfully implemented. In fact, during the first quarter of the fiscal year, litigation preparation activities concerning The Citadel consumed one-half of the Section staff time as well as more than 50 percent of the travel budget.

For FY 96, the Section also directed its limited resources to systematically reviewing the 500 plus court ordered school districts on its active case docket. The purpose of this case review project is to seek compliance of those school districts that are in violation of their extant desegregation orders and to administratively close those districts that are in compliance, thus, removing them from our active case docket. This project involves reviewing hundreds, and in some cases, thousands of documents, contacting various community groups and visiting many of the districts. It is anticipated that such activity will increase the number of complaints from citizens and community groups, as well as prompt a number of districts to seek partial or full termination of their court orders. The latter action will require more comprehensive investigations and may require an examination of data in six or more relevant compliance areas covering a period of many years.

C. Factors Affecting Selection of FY 96 and 97 Targets.

In 1997 and 1998, the Section expects to continue its enforcement effort (i.e., the case review project), as well as give priority attention to focusing on violations that deny (i) educational quality to minority students; and, (ii) equal educational opportunities to women, language minorities, and students with disabilities. This endeavor will involve the examination of differences in curriculum offerings among individual schools within school districts, review of student placement procedures, including tracking and ability grouping, and examination of student achievement data such as test scores for the hundreds, and in some cases, thousands of students in the affected school districts. Additionally, on June 26, 1996, the Supreme Court issued its decision in *United States v. Commonwealth of Virginia (Y80)*, finding that the Commonwealth of Virginia's exclusion of women from the Virginia Military Institute violated the Equal Protection Clause, and that the remedy of providing women a separate program at Mary Baldwin does not cure the violation. In light of this decision, the Section is anticipating a significant increase in activities for the two high profile cases involving discriminatory admissions in Virginia (Virginia Military Institute) and South Carolina (The Citadel), which will require a substantial amount of the Section's resources.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Disability Rights Section

PERFORMANCE INDICATOR INFORMATION

PERFORMANCE TARGETS AND ACTUAL RESULTS

Type of Indicator	1994 Actual	1995 Actual	1996 Actual	1997 Actual	1998 Actual
INPUT					
Perm. Pos.	44	56	56	56	63
FTE	48	66	69	69	73
Amount (\$000)	\$8,672	\$9,824	\$9,294	\$9,253	\$9,967
WORKLOAD					
1. Litigation Pending	3	12	8	21	25
2. Litigation Started	15	12	12	20	20
3. Investigations Pending	892	863	2588	3017	3317
4. Investigations Started	N/A	2444	1200	1200	1400*
5. Other Matters Pending	...	200	87	242	217
6. Other Matters Received	...	3000	3000	3700	4000
7. Certification Matters Pending	...	14	...	15	15
8. Interagency Coordination Matters and Regulations Pending	...	23	40	50	50
9. Technical Assistance (TA) Requests	60K	80K	80K	80K	80K
10. TA Grant Requests	130	140	100	100	100
11. Small Entity Guidance Requests	...	...	...	500	500
OUTPUT/ACTIVITY					
12. Litigation Concluded	6	15	15	16	18
13. Investigations Concluded	338	719	900	900	1000*
14. Other Matters	...	737	800	870	900
a. Decisions Not to Investigate	...	1204	1200	1177	1200
b. Referrals to Departments/DOJ Units	...	82	200	94	150
c. Referrals for Mediation	N/A	990	...	1003	950
d. Congressional Responses	N/A	100	100	215	400
e. No Action Taken Responses	...	1	12	5	6
15. Certification Responses	...	...	...	...	...
16. Interagency Coordination and Regulatory Responses	...	20	37	37	37
17. Small Entity Guidance Provided	...	...	60	240	240
18. ADA Information Line Calls	...	76K	...	88K	65K
a. Served by Automated System	...	35K	...	26K	30K
b. Served by Staff	...	130	120	65	120
19. ADA Training/Speeches/Exhibits	120	68	45	133	120
20. TA Documents/Materials Developed or Reviewed	90	68	45	40	40
21. Cumulative Body of TA Documents Developed	105	142	200	204	220
22. TA Information and Documents Disseminated	7.0m	7.5m	8.0m	8.0m	8.0m
23. TA Grant Activity	32	43	49	45	45

END OUTCOME	24.	25.	26.	27.	28.	29.	30.	31.	32.	33.	34.	35.
Favorable Court Rulings	NA	5	3	4	4	6						
Consent Decrees	4	7	12	11	4	4						
Consent Judgments	12	15	18	16	3	12						
Formal Settlements	NA	32	62	120	75	100						
Informal Settlements	12	52	62	120	75	100						
Successful Mediations	13	13	---	48	90	90						
Title III Civil Penalties	---	---	---	---	---	---						
Money Paid to Individuals and Entities	\$65,000	\$90,000	---	\$54,000	---	---						
Number of Facilities or Programs Affected	\$179,000	\$134,800	---	\$137,360	---	---						
Final Certifications Issued	1025	800	---	2825	---	---						
Final Regulations Issued	4	---	---	---	---	---						
Number of People Receiving TA	NA	2	2	1	2	2						
People Receiving TA Per TA Staff Person	---	1.1m	1.5m	1.5m	1.5m	1.5m						
PRODUCTIVITY/ EFFICIENCY	---	66,667	90,000	93,750	90,000	90,000						

* Designates indicator covering a requested 1998 program change. A performance indicator and target must be set for the results that will be achieved should resources be received.

A. Definitions of Terms or Explanations for Indicators:

The Section (formerly the Public Access Section) began enforcing the Americans with Disabilities Act (ADA) in 1992 (its effective date was January 26, 1992). The Section also initiated its statutorily mandated technical assistance and certification activities at that time. Until March 1, 1995, the Section handled and resolved (informally or through litigation) investigations only under Title III (private entities, nongovernmental issues) and Title II (State and local government) litigation. On that date the Section became responsible for investigating Title II complaints and litigating Title II (employment) charges against State and local governments. In addition, on March 1, 1995, the Section became responsible for issuing regulations to implement Titles II and III of the ADA, representing the Department as a member of the U.S. Architectural and Transportation Barriers Compliance Board, coordinating the implementation of Title II by the seven designated agencies and coordinating the government-wide implementation of Section 504 of the Rehabilitation Act of 1973 pursuant to E.O. 12,250 to coordinate the implementation of Section 504 of the Rehabilitation Act of 1973.

The input, workload, and end outcome figures for the 1995 actual and later years reflect the March 1, 1995, reorganization.

Lines 1 & 2: Litigation includes those court actions in which the Section participants as plaintiff, plaintiff-intervenor, or amicus, including cases in which the U.S. defends the constitutionality of the ADA. It does not include cases in which the Section's participation is limited to an appeal recommendation. The increase in 1995 Actual Cases from the previously reported 8 to 12 represents a more accurate actual count prepared for the newly designed table.

Line 3: "Investigations Pending" includes all Title I, II, and III matters not filed in court or referred to other department/agencies/offices.

Lines 5 & 6: "Other Matters" lines include all incoming material that becomes "output" listed in Lines 14a-e. These materials are primarily letters and should be processed within a few days or weeks. The Correspondence Tracking System implemented in 1996 allowed us to produce more accurate correspondence numbers. All "Other Matters" lines reflect this. We did not anticipate a large carryover from one year to the next. However, the sheer volume of material and the complex issues raised by these writers will in reality produce a small backlog. Thus at line 5, "Other Matters Pending," the 1997, and 1998 figures represent the non-processed items.

Line 7:	"Certification Matters Pending" includes requests for formal certification that an adopted code is equivalent to the ADA requirements and requests for informal review of codes that have not been formally adopted, including model codes and proposed codes for which the Department provides technical assistance. This category includes requests pending at the start of the fiscal year and those received during the year. The review process is largely the same for "formal" certification requests and for "informal" requests for technical assistance.
Line 8:	"Interagency Coordination Matters and Regulations Pending" projects requests for legal advice, review of regulations, or review of other policy documents from other Federal offices. It also reflects workload demand resulting from the Section's role as the Department representative on the U.S. Architectural and Transportation Barriers Compliance Board. These responsibilities were assigned to the Section on March 1, 1995.
Line 9:	"Technical Assistance (TA) Requests" includes calls to the ADA Information Line, written requests for technical assistance and documents, bulk orders for TA documents, requests for ADA speakers, inquiries from Congressional staff, and requests for pre-publication review of ADA documents developed by grantees and other agencies to ensure legal and technical accuracy.
Line 10:	"TA Grant Requests" includes applications received in response to the annual solicitation published in the Federal Register as well as unsolicited requests for assistance.
Line 11:	"Small Entity Guidance Requests" includes requests anticipated pursuant to section 213 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121, 110 Stat. 847), which requires the Section to provide "informal small entity guidance" to answer inquiries concerning information on, and advice about, compliance with the Section's regulations, interpreting and applying the law to specific sets of facts supplied by the small entity. This requirement takes effect on June 27, 1996. The projections in this category are based on the Section's technical assistance experience to date. For FY 1996 and prior years, requests for technical assistance from small entities were not counted separately. The requests are included within the total numbers of technical assistance requests in line 9.
Lines 12 & 13:	"Concluded" lines include litigation and investigations ended for all reasons.
Line 14:	"Referrals for Mediation" reflects activity undertaken by the Section through technical assistance grants to private organizations. One grant began in 1994 and continues through 1995; a second grant was initiated in 1995 and is expected to continue through 1996. This category includes all those cases in which the Department offered the option of participation in mediation.
Line 14d:	"Congressional Responses" reflects the Section's efforts to assist Members of Congress to provide service to their constituents by responding to inquiries about the Section's activities.
Line 15:	"Certification Responses" includes interim responses to State or local officials with respect to adopted codes, and to private sector organizations with respect to model accessibility codes. [In previous budgets, this category reflected all certification reviews in progress during the year. To better reflect the rate of completion, it is now limited to those in which responses are sent to the requesting entity.]
Line 16:	"Interagency Coordination and Regulatory Responses" includes responses to requests for legal review of proposed regulations and other policy documents implementing the ADA or the Rehabilitation Act identified in line 5 plus regulations and documents generated by the Section. It also includes actions related to the Section's role as the Department representative on the U.S. Architectural and Transportation Barriers Compliance Board. Responsibilities in line 12 were assigned to the Section on March 1, 1995. Figures for 1995 are therefore based on a 7-month period.

Line 18a:	"ADA Information Line Calls Served by Automated System" includes all calls answered by the automated information line service, 24 hours a day, which allows callers to listen to recorded information, leave a request for materials that are then mailed to them by staff, or speak to an ADA specialist during business hours.
Line 18b:	"ADA Information Line Calls Served by Staff" includes the number of callers who speak to an ADA specialist.
Line 19:	"ADA Training/Speeches/Exhibits" is the number of training and speaking engagements conducted and the number of conferences where Section representatives staff an exhibit to answer questions about the ADA and provide TA documents to the conference participants.
Line 20:	"TA Documents/Materials Developed or Reviewed" includes DOJ-produced materials and pre-publication review of materials developed by grantees and other Federal agencies to ensure legal and technical accuracy.
Line 21:	"Cumulative Body of TA Documents Developed" includes all technical assistance documents and videotapes produced by the Section and by its grantees through the end of fiscal year. It does not include documents developed by other agencies.
Line 22:	"TA Information and Documents Disseminated" includes informational materials (6.3 million in 1996) and substantive technical assistance documents (1.24 million in 1996) disseminated by the Section and its grantees or downloaded from the Section's electronic bulletin board and the Internet.
Line 23:	"TA Grant Activity" includes the number of new grants and continuation grants awarded to trade associations and other organizations that target ADA information, education, and technical assistance to specific types of businesses, State and local governments, or other audiences; and the number of grants being monitored during the fiscal year.
Line 31:	"Number of Facilities or Programs Affected" includes a count of physical structures such as buildings, stores, offices, or programs, such as 9-1-1 services, correctional departments, or municipal courts affected by a favorable conclusion of litigation or investigations.
Line 32:	"Final Certification Decisions" includes formal certification determinations and final responses with respect to model codes, and final responses to requests for technical assistance review of proposed codes. Analyses of model codes were counted as "technical assistance" responses in prior years. The Section has determined that it is more appropriate to classify these determinations as final decisions. These "certification decisions" do not include interim responses to State and local governments that are reflected in line 15, above.
Line 33:	"Final Regulations Issued" includes regulations published by the Department, including those that result from the Section's role as the Department representative on the U.S. Architectural and Transportation Barriers Compliance Board. It does not include regulations issued by other agencies after Section review. These responsibilities were assigned to the Section on March 1, 1995.
Line 34:	"Number of People Receiving TA" includes people receiving answers to questions through phone calls or letters, people receiving substantive technical assistance documents, people attending ADA training and speaking engagements, and people receiving ADA technical assistance through the TA grants. These figures reflect substantive technical assistance activities but do not include the 5.9 - 6.3 million informational materials disseminated each year by the Section or similar materials disseminated by grantees to promote awareness of the ADA and available resources.

Line 35: "People Receiving TA Per TA Staff Person" reflects the number of people receiving technical assistance (line 23) divided by the number of TA professional and support staff.

B. Factors Affecting FY 94 Program Performance.

Line 7: "Certification Matters Pending." Targets for were anticipated that several states that are revising their accessibility codes to be consistent with the ADA would complete that process in 1995. Many of those code revisions are still in progress, therefore new requests were below the target number.

Line 9: "Technical Assistance (TA) Requests." Requests were higher than anticipated when a new publication for small businesses was announced in July, 1996.

Line 14c: "Referrals for Investigation." The Section anticipates a substantial increase in activity over the 1995 level because of the full implementation of the second grant program, which has a significantly broader scope than the initial grant.

Line 14d: "Congressional Responses." 1996 figures are increased from 1995 because the Section had responsibility for responding to Congressional inquiries for only seven months of 1995.

Line 15: "Certification Responses." This category has been revised to include only those pending matters regarding which an interim response was made to the submitting entity.

Line 1 b: "ADA Information Line Calls." The ADA Information Line was shut down in November, December and January for a total of five weeks due to furloughs and a winter blizzard. This resulted in a decreased number of calls handled by staff. In addition, due to budgetary uncertainties, the Section did not fill two vacancies on the ADA Information Line staff.

Line 20: "TA Documents/Materials Developed or Reviewed." 1996 includes review of an unusually large collection of ADA training modules prepared by another agency.

Line 32: "Final Certification Decisions." This category has been revised to reflect both the increasing complexity of the responses to requests for "informal" review, and the redescription of this category to limit its scope to final determinations only.

C. Factors Affecting Selection of FY 97 and 98 Targets.

Note: The Section's potential enforcement input tripled in March 1995, but the enforcement staff increased only by approximately 25%. In order to focus our enforcement efforts more effectively, we are filing cases with greater potential impact and not opening some less significant matters.

We will be referring more Title II matters to other agencies and DOJ components rather than investigating them ourselves beginning with 1996, but at the same time receiving more Title I referrals from EEOC due to recent changes in that agency's referral policies. Early in 1996, the Section hopes to clear up a significant number of Title II complaints that were pending at the time of the reorganization and to begin some new Title II investigations.

Lines 1 & 2: The 1997 and 1998 Target increases reflects a more experienced and efficient staff. The 1997 Target of 17 cases is two over the 15 previously reported. This reflects the new design of the table, in which Line 1 (Litigation Pending) plus Line 2 (Litigation Started) minus Line 12 (Litigation Concluded) equals Litigation Pending for the next year's target. Line 2 and Line 12 (Litigation) 1997 and 1998 targets do not reflect the ADA Enforcement program increase because the program increase is targeted toward investigations started and concluded without litigation. That is reflected in Line 4 (Investigations Started) and Line 13 (Investigations Concluded).

Line 8: "Interagency Coordination Matters and Regulations Pending." This function is largely reactive. It includes some matters resulting from the Section's obligation to publish regulations implementing titles II and III of the ADA. However, the majority of the items reflected are the result of the Section's obligation to provide legal advice and policy guidance to other agencies. The targets for 1997 and 1998 assume that new matters will be received and resolved at a rate comparable to that experienced in 1996.

Line 13: "Investigations Concluded." 1997 and 1998 targets reflect additional contract or program increase investigators and mediators

Line 14 c: "Referrals for Mediation." In 1996, referrals increased because training of all mediators was completed. To the extent that funding is maintained for a grant program in this area, the Section anticipates that referrals will continue at this increased rate through 1997 and 1998.

Line 14 d: "Congressional Responses." The number of Congressional inquiries is expected to decrease in 1997 and 1998 as individuals and entities become more familiar with the requirements of the law.

Line 16: "Interagency Coordination and Regulatory Response." This function is largely reactive. It implements the Section's obligation to provide legal advice as needed by other agencies. The targets for 1997 and 1998 assume that requests from other agencies will continue at a rate comparable to that experienced in 1996.

Line 17: "Small Entity Guidance Provided." This category estimates the number of responses that the Section will provide in 1997 and 1998, based on current resources. For FY96 and prior years, responses to requests for technical assistance from small entities were not counted separately. The responses are included within the total numbers of technical assistance responses in line 22.

Line 31: No performance indication are targeted for 1997 and 1998 because this number depends entirely on the nature of the opposing party, i.e., an individual's corporation or hotel chain. This number measures impact of particular cases and as such is unpredictable.

Line 32: "Final Certification Decisions." Output is projected to increase in 1997 and 1998 due to increased experience of Section staff and increased knowledge of the ADA requirements among covered entities.

Line 33: "Final Regulations Issued." Targets for 1997 and 1998 are based on the U.S. Architectural and Transportation Barriers Compliance Board plans to revise the ADA Accessibility Guidelines. Because the ADA implementing regulations are required to be consistent with the ADA Accessibility Guidelines, each revision triggers a corresponding change in the Department's regulations.

*Designates indicator covering a requested 1998 program change. A performance indicator and target must be set for the results that will be achieved should resources be received

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: OFFICE OF SPECIAL COUNSEL (OSC)

Type of Indicator	PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target			
INPUT	Perm. Pos.	44	31	29	29	29	29			
	FTE	48	32	30	30	30	30			
	Amount (000)	\$8,672	\$5,682	\$5,425	\$5,405	\$5,403	\$5,523			
WORKLOAD/ ACTIVITY	1. Number of "Actionable" Charges Initiated	N/A	134	224	243	230	252			
	2. Number of Independent Investigations	63	36	37	23	17	18			
	3. Number of "Non-Actionable" Charges	N/A	217	198	127	48	54			
	4. Number of Charges Received	694	387	459	393	295	324			
	5. Number of Requests for Information Received	320	218	300	312	300	350			
	6. Number of Requests for Public Outreach Received	64	67	75	85	100	125			
	7. Number of Worker Hotline Calls	3,006	3,075	3,202	1,872	3,500	3,500			
	8. Number of Employer Hotline Calls	7,883	6,800	8,400	5,146	9,000	9,000			
	9. Number of Grant Applications Received	115	101	100	101	125	150			
	10. Number of ALJ Complaints Filed as a Result of:									
OUTPUT	a. Charges	12	8	10	9	11	11			
	b. Independent Investigations	2	2	4	2	5	6			
	11. Number of Requests for Information Filled	320	218	300	312	300	350			
	12. Number of Grants Awarded	11	14	15	15	16	17			
	13. Public Outreach Provided By:									
	a. OSC Attorneys	57/89 %	67/91 %	75/75 %	71/91 %	75/60 %	80/64 %			
	b. OSC Grantees	2,257	1,458	1,100	1,383	1,000	1,000			
	c. National Contractor	2,049	1,294	1,809	1,100	2,000	2,000			

Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
INTERMEDIATE OUTCOME	14. Settlement of Charges						
	a. Pre-Complaint	N/A	27	30	24	34	37
	b. Post-Complaint	N/A	7	8	7	9	10
	15. Settlement of Independent Investigations						
	a. Pre-Complaint	N/A	5	7	5	9	12
	b. Post-Complaint	N/A	2	3	2	4	4
	16. Number of Cases Litigated						
	a. Charges	1	1	2	0	2	3
	b. Independent Investigations	0	1	2	0	2	3
	c. Before an ALJ	1	2	4	0	4	6
END OUTCOME	d. On Appeal	N/A	1	1	0	1	1
	17. Number of Charges Resolved Within 120 Days	N/A	72	96	68	53	68
	18. Amount of Backpay Obtained for Workers (in thousands of dollars)	\$ 267	\$ 77	N/A	\$ 46	N/A	N/A
	a. Number of Workers Who Received Backpay	N/A	30	N/A	18	N/A	N/A
	19. Amount of Civil Penalties Assessed (in thousands of dollars)	\$ 179	\$ 279	N/A	\$ 124	N/A	N/A
	a. Number of Employers Who Were Fined	47	29	N/A	22	N/A	N/A
	20. Number of Workers Hired/Reinstated	N/A	6	N/A	2	N/A	N/A
	21. Telephone Interventions						
	a. Individuals	N/A	N/A	N/A	45	24	24
	b. Pattern or Practice	N/A	N/A	N/A	58	36	36
A. Definitions of Terms or Explanations for Indicators:	22. Favorable Decisions	2	1	N/A	1	4	6
	a. ALJ	1	0	N/A	1	1	1
	b. Appeal						

51
53

Items 1, 3 & 4. A "Charge" is the written accusation that a person who thinks he/she has been discriminated against files with OSC.

1. "Actionable Charges" is a subset of the total number of charges received. An actionable or complete charge is one which, after preliminary review and/or consultation with the charging party, is found to be within OSC's jurisdiction and thus, requiring investigation.

2. As "Independent Investigation" is an investigation conducted on the Special Counsel's own initiative where there is reasonable cause to believe that a person or entity has engaged or is engaging in an immigration related unfair employment practice.

3. "Non-Actionable Charges" are those in which OSC determines that the charging party has stated a cause of action, but under a different statute. Those charges are referred by OSC to the appropriate enforcement agency.

7 & 8. "Worker" and "Employer Hotlines": OSC operates two nationwide toll-free telephone lines specifically designed to assist workers and employers with questions about immigration related unfair employment practices. The worker hotline can be quickly linked with AT&T's translator service to enable our professional staff to assist callers in their own language. The employer hotline, which was created in 1994, is fully automated (however, the caller can easily reach an OSC attorney) and includes a "fax back" feature which allows the caller to receive the latest information on INS Form I-9 requirements, etc.

9. "Grants": OSC conducts an annual grant program for nonprofit organizations throughout the country for the development and implementation of public education programs designed to address the unique needs of communities with high alien and minority language populations.

12. "Grants Awarded": Each year OSC publishes a notice of availability of funds in the *Federal Register* announcing our annual grant program. In response to this announcement OSC receives approximately 100 applications from not-for-profit agencies throughout the country. OSC must then go through an extensive grant review process involving much of OSC's professional and support staff in order to determine which agencies will be selected as grantees of the limited funds we have available for this program.

13c. "National Coordinator": OSC also conducts a national outreach campaign through a private contractor which has aired television and radio announcements nationwide, as well as produced and distributed materials in many languages. Outreach conducted by the national contractor is the number of times each paid advertisement has been aired. It should be noted that these advertisements are then often repeated several times free of charge as "public service announcements."

17. "Charges Resolved within 120 Days": By statute, OSC has 120 days to investigate each complete charge and make a determination as to whether there is reason to believe discrimination has occurred. Under certain circumstances the investigatory period may be extended for 90 days. However, a determination must be made by the end of the extended period. Therefore, OSC does not have a backlog of charges which are more than 210 days old.

21. "Telephone Interventions" refers to each time an OSC attorney or other professional prevents discrimination from occurring/continuing by providing information/counsel to an employee or employer via our "1-800" telephone lines without a charge having to be filed. The informal intervention can either prevent discrimination from occurring, to a specific individual or can stop an employer's ongoing illegal practice by providing the employer with information about proper employment eligibility verification practices.

B. Factors Affecting FY 96 Program Performance.

The number of charges that OSC has received in 1996 reflects a decrease from the previous fiscal year and the number of actual charges received turned out to be even lower than our targets. We believe this is due to three primary causes: 1) the success of our stringent enforcement efforts that have produced substantial civil

penalties; 2) our public outreach program to employers and employees informing them of INA's antidiscrimination provisions; and, 3) the continuing public opinion mood reflecting hostility towards immigrants. We believe this trend will continue into FY '97. The experience of the Office of Special Counsel has been that the passage of major anti-immigrant referendums in California, such as Proposition 187, result in a drop in the number of charges we receive due to heightened concern among legal immigrants as to their ability to assert their rights. Thus, based on our observation of the last campaign season and the passage of the anti-affirmative action referendum (Proposition 209) in California, the office predicts a continuing fall off in charges in the near future. In addition, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) passed in September 1996 included an amendment which now requires charging parties who allege document abuse to prove that the employer intended to discriminate against them based on their national origin and citizenship status. OSC predicts that the imposition of this higher burden of proof upon charging parties who allege document abuse (our most frequent charge) will also deter immigrants from asserting their rights and filing charges with OSC.

C. Factors Affecting Selection of FY 97 and 98 Targets.

The data above is derived from OSC's case management system and extrapolations from the case management system. Factored into the targets are OSC's expectations regarding demographics, anti-immigrant sentiments, and the idiosyncrasies of our target population based on OSC's prior history and experience.

Note: OSC appeals are now conducted by the Appellate Program

D. Significant Accomplishments

OSC continues to seek to deter discrimination by increasing the number of pattern or practice cases it pursues, as well as by raising the level of sophistication with which we investigate and resolve such cases. Some of OSC's cases have affected entire industries and produced widespread reforms. For example, OSC recently negotiated the settlement of *United States v. Wal-Mart Stores, Inc.* The complaint filed by OSC alleged that a particular Wal-Mart location engaged in a pattern or practice of requiring non-citizens to produce unnecessary proof of their immigration status in order to be hired. The settlement agreement also covered an on-going OSC independent investigation of Wal-Mart's employment eligibility verification practices across the country. The terms of the agreement required Wal-Mart to pay a \$60,000 civil penalty, to implement an OSC-approved nationwide I-9 training program for its hiring personnel, and to allow OSC to monitor its employment eligibility verification practices at various Wal-Mart locations throughout the country.

Since September 1994, OSC has tried, before administrative law judges, three suits alleging a pattern or practice of document abuse by agricultural employers (*United States v. Strano Farms*; *United States v. Robison Farms*; and *United States v. Zabala Vineyards*). OSC received a favorable decision in *Strano Farms*, which included \$7,000 in back pay and \$101,750 in civil penalties (this decision was recently affirmed on appeal). The *Zabala* decision was rendered on December 13, 1995 and held that OSC must be able to identify specific "economic victims" in order to pursue pattern or practice claims. *Robison*, which was decided on April 19, 1996, reaffirmed OSC's view that a request for more of different documents includes an employer's request for specific documents from an authorized worker and said request is all that was required for a showing of document abuse under the statute prior to it being amended.

Section 535 of the Immigration Act of 1990 ("IAS90") added retaliation to the prohibitions on discrimination enforced by the Special Counsel. In 1995, OSC obtained judgments ordering *Hosel Miranda Washington* (*United States v. Hosel Miranda Washington*) to pay \$21,000 in civil penalties for violating the retaliation provisions by filing a state court lawsuit against individuals it believed provided information to OSC during an investigation.

Civil Rights Division
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in Thousands)

Item	Civil Rights Prosecution		Disability Rights		Management and Administration		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades								
GS-15.....	3	230	...	...	...	...	3	230
GS-13.....	...	...	3	165	...	...	3	165
GS-12.....	...	...	4	185	3	139	7	324
GS-11.....	...	...	...	...	2	77	2	77
GS-9.....	...	...	...	...	2	67	2	67
GS-7.....	...	...	...	...	3	78	3	78
Total Positions & Annual Rate.....	3	230	7	350	10	361	20	941
Lapse (-).....	-1	-115	-3	-175	-5	-180	-9	-470
Total Workyears and Personnel Compensation.....	2	115	4	175	5	181	11	471
Overtime/Other Compensation.....	...	...	...	...	...	6	...	6
Personnel Benefits.....	...	36	...	55	...	56	...	147
Travel & Transportation.....	...	8	...	28	...	23	...	59
GSA Rent.....	...	15	...	35	...	50	...	100
Other rent, communications & utilities.....	...	6	...	14	...	20	...	40
Printing and reproduction.....	...	3	...	7	...	10	...	20
Other services.....	...	46	...	83	...	1,248	...	1,377
Supplies and materials.....	...	2	...	6	...	9	...	17
Equipment.....	...	32	...	74	...	415	...	521
Total program workyears & obligations changes requested, 1998.....	2	263	4	477	5	2,018	11	2,758

Civil Rights Division
Salaries and Expenses
Priority Ranking
Fiscal Year 1998

BASE PROGRAM		PROGRAM INCREASES		
Program	Ranking	Program	Enhancement	Ranking
Voting Rights	1	Civil Rights Prosecution	Police Misconduct and Hate Crimes	1
Civil Rights Prosecution	2	Disability Rights	Enforcement of Titles II and III of the Americans with Disabilities Act (ADA)	2
Disability Rights	3	Management & Administration	Electronic Freedom of Information Act	3
Housing & Civil Enforcement	4			
Educational Opportunities	5			
Special Litigation	6			
Employment Litigation	7			
Office of Special Counsel	8			
Coordination and Review	9			
Federal Appellate Activity	10			
Management & Administration	11			

Civil Rights Division
Salaries and expenses
Detail of Permanent Positions
Fiscal Years 1996 - 1998

Category	1996		1997		1998	
	Author- ized	Rem- burse	Auth.	Reimb.	Program Increases	Total
Attorneys (905).....	254	5	254	9	5	259
Paralegal Specialists (950).....	85	...	85	...	6	91
Other Legal and Kindred (900-998).....	10	...	10	...	...	10
Social Sciences, Economics and Kindred (100-199).....	23	...	23	...	...	23
General Admin. Clerical and Office Services (300-399).....	171	1	171	1	5	176
Accounting and Budget (500-599).....	5	...	5	...	...	5
Information and Arts Group (1000-1099).....	3	...	3	...	...	3
Mathematics and Statistics Group (1500-1599).....	2	...	2	...	...	2
General Investigating (1801-1810).....	4	...	4	...	4	8
Total.....	557	6	557	10	20	577
Washington.....	557	6	557	10	20	577
Total.....	557	6	557	10	20	577

NPR Targeted Positions						
Supervisors.....	72	...	70	...	...	70
Personnel Specialists.....	4	...	4	...	...	4
Budget Specialists.....	3	...	3	...	...	3
Accountants and Auditors.....	0	...	0	...	...	0
Acquisition Specialists.....	2	...	2	...	...	2
Headquarters Staff.....	20	...	20	...	...	20

Civil Rights Division
Salaries and Expenses
Summary of Attorney and Support Positions/Workyears
FY 1997-1998

Decision Unit	1997 Appropriation			1998 Program Increases			1998 Request Level		
	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE
Federal Appellate Activity	17	15	32	17	15	32	17	15	32
Civil Rights Prosecution	28	28	56	28	28	56	28	28	56
Special Litigation	19	19	38	19	19	38	19	19	38
Voting Rights	36	36	72	36	36	72	36	36	72
Employment Litigation	33	32	65	33	32	65	33	32	65
Coordination and Review	6	6	12	6	6	12	6	6	12
Housing and Civil Enforcement	47	47	94	47	47	94	47	47	94
Educational Opportunities	11	11	22	11	11	22	11	11	22
Disability Rights	31	31	62	31	31	62	31	31	62
Office of Special Counsel	14	14	28	14	14	28	14	14	28
Management and Administration	12	12	24	12	12	24	12	12	24
Total	254	251	505	254	251	505	254	251	505

REIMBURSABLE POSITIONS

Decision Unit	1997 Appropriation			1998 Program Increases			1998 Request Level		
	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE	Attorneys Pos. FTE	Support Pos. FTE	Total Pos. FTE
Federal Appellate Activity	17	15	32	17	15	32	17	15	32
Civil Rights Prosecution	28	28	56	28	28	56	28	28	56
Special Litigation	19	19	38	19	19	38	19	19	38
Voting Rights	36	36	72	36	36	72	36	36	72
Employment Litigation	33	32	65	33	32	65	33	32	65
Coordination and Review	6	6	12	6	6	12	6	6	12
Housing and Civil Enforcement	47	47	94	47	47	94	47	47	94
Educational Opportunities	11	11	22	11	11	22	11	11	22
Disability Rights	31	31	62	31	31	62	31	31	62
Office of Special Counsel	14	14	28	14	14	28	14	14	28
Management and Administration	12	12	24	12	12	24	12	12	24
Total	254	251	505	254	251	505	254	251	505

Civil Rights Division
Salaries and expenses
Summary of Change
(Dollars in thousands)

	Perm. FTE	Work- Year	Amount
1997 Appropriation as Enacted.....	557	579	\$62,419
Adjustments to base:			
Increases:			
1998 pay raise.....	...	...	967
Annualization of 1997 pay raise.....	...	...	333
Within-grade increases.....	...	...	451
Travel mile, Allowance rate.....	...	...	1
Correspondence Management System.....	...	...	49
Investigation/Reinvestigation.....	...	...	2
General Pricing level adjustment.....	...	...	242
Northern Mariana Islands.....	...	...	242
Total, increases.....	...	...	2,270
1998 base.....	557	579	64,689
Program Changes.....	20	11	2,738
1997 Estimate.....	577	590	67,427

**Child Rights Division
Salaries and Expenses
Summary of Requirements by Grade and Obligated Class**
(Dollars in thousands)

Grades and salary ranges	1998 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$126,781.....	1	1	1	1	1	1	...	...
Executive Level V, \$118,544.....	1	1	1	1	1	1	...	...
ES-4, \$119,858.....	9	9	9	9	9	9	...	...
ES-3, \$113,751.....	5	5	5	5	5	5	...	...
ES-2, \$108,824.....	2	2	2	2	2	2	...	...
ES-1, \$103,897.....	3	3	3	3	3	3	...	...
GS/GM-15, \$75,935-\$95,714.....	176	176	176	176	176	176	...	...
GS/GM-14, \$64,668-\$83,922.....	58	58	58	58	58	58	...	...
GS/GM-13, \$54,629-\$71,017.....	54	54	54	54	57	57	3	3
GS-12, \$45,935-\$59,725.....	42	42	42	42	49	49	7	7
GS-11, \$38,330-\$49,831.....	58	58	58	58	60	60	2	2
GS-10, \$34,887-\$45,356.....	7	7	7	7	7	7	...	...
GS-9, \$31,680-\$41,185.....	32	32	32	32	34	34	2	2
GS-8, \$28,851-\$37,269.....	18	18	18	18	18	18	...	...
GS-7, \$25,897-\$33,687.....	69	69	69	69	72	72	3	3
GS-6, \$23,305-\$30,294.....	15	15	15	15	16	16	...	...
GS-5, \$20,508-\$27,183.....	6	6	6	6	6	6	...	...
GS-4, \$18,887-\$24,298.....	1	1	1	1	1	1	...	...
Locality Pay.....	121	...	...	...	...	...	...	...
1997 Pay Raise.....	...	...	...	961	...	333	...	...
1998 Pay Raise.....	...	...	...	...	...	967	...	...
Total, appropriated positions.....	557	31,048	557	33,284	577	35,748	20	2,464
Pay above stated annual rate.....	122	...	...	133	...	141	...	8
Leases.....	-13	-650	-13	-872	-22	-1,255	-9	-583
Savings due to lower pay scales for part of year.....	...	-138	...	-237	...	-264	...	-27
Net full-time permanent.....	544	30,362	544	32,486	555	34,370	11	1,882
Other than permanent:								
Other part-time and intermittent employment.....	35	2,399	35	3,029	35	3,099	...	70
Other personnel compensation:								
Overtime.....	4	102	4	127	4	133	...	6
Other compensation.....	...	378	...	364	...	364	...	0
Total, workyears and personnel compensation.....	583	33,261	583	36,008	584	37,866	11	1,858
Average ES Salary.....		\$104,558		\$106,979		\$114,472		\$7,493
Average GS/GM Salary.....		\$57,931		\$59,116		\$60,299		\$1,164
Average G # Grade.....		11.6		11.7		11.7		...

Civil Rights Division
Salaries and Expenses
Reimbursement by Grant and Object Class
(Dollars in thousands)

Object Class	1998 Actual WY03 Amount	1997 Estimate WY03 Amount	1998 Request WY03 Amount	Increase/Decrease WY03 Amount
11.1 Full-time permanent	544	544	555	11
11.3 Other than full-time permanent	35	35	35	0
11.5 Other personnel compensation	4	4	4	0
11.8 Special personnel services payments	480	481	487	7
Total	563	563	584	21
Reimbursable workyears:				
Full-time permanent	-6	-10	-10	4
Other objects				
12 Personnel benefits	6,536	7,197	7,065	468
13 Benefits for former personnel	61	20	20	0
21 Travel and transportation of persons	1,949	2,091	2,318	227
22 Transportation of things	345	360	376	16
23.1 GSA rent	5,740	5,728	5,838	108
23.2 Rental payments to others	42	124	127	3
23.3 Communications, utilities and miscellaneous charges	1,486	1,467	1,514	47
24 Printing and reproduction	736	835	877	42
25.1 Advisory & Assistance Services	582	543	543	0
25.2 Other Services	6,371	3,901	5,295	1,394
25.3 Purchases from Govt Acc	1,697	2,691	2,691	0
26.7 Operation & Maintenance of Equipment	853	798	867	191
29 Supplies and materials	750	565	598	33
31 Equipment	1,913	77	617	540
42 Court Awards	23	15	15	0
Total obligations	64,347	62,419	67,447	5,028

United States National Central Bureau
 Salaries and expenses, General Legal Activities
 Cancellation of 1987 Changes
 (Dollars in thousands)

Activity/Program	1987 Revised President's Budget Request		Transfer Between Account		Reprogramming		1987 Availability	
	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT
USNCB	02	04	04	\$6,429	02	04	02	04
								\$6,429

United States National Central Bureau
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

	1996 Actual			1997 Estimate			1998 Request			Increase/Decrease	
	Pos. Wyr.	Amt.	Pos. Wyr.	Pos. Wyr.	Amt.	Pos. Wyr.	Pos. Wyr.	Amt.	Pos. Wyr.	Pos. Wyr.	Amt.
Collection by Source	--	--	--	--	--	--	--	--	--	--	--
Air Force Office of Special Investigations	--	\$15	--	--	\$15	--	--	\$15	--	--	\$0
General Services Administration	--	20	--	--	64	--	--	0	--	--	(44)
Bureau of Alcohol, Tobacco, and Firearms	--	--	--	--	2	--	--	2	--	--	0
Budgetary Resources	0	0	\$35	0	0	\$83	0	\$17	0	0	(\$46)

United States National Central Bureau
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Obligation by Program	1996 Actual		1996 Estimate		1998 Request		Increase/Decrease				
	Pos. Wyr.	Amt.	Pos. Wyr.	Amt.	Pos. Wyr.	Amt.	Pos. Wyr.	Amt.			
USNCB	0	0	\$35	0	0	\$83	0	\$17	0	0	(\$83)

Justification of Increase/Decrease

The USNCB anticipates the termination of the reimbursable agreement with the GSA in 1997.

United States National Central Bureau
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)

INITIATIVES

Electronic Freedom of Information Act

	Perm. Pos	FTE	Amount
USNCB	1	1	\$383
Total	1	1	\$383

Proposed Actions

The initiative is to meet:

1. Electronic Freedom of Information Amendments of 1998 (EFOIA) and
2. Freedom of Information Act/ Privacy Act (FOIAPA) requirements.

The initiative is in response to the Attorney General's EFOIA and FOIAPA requirements. The USNCB has been disadvantaged because of its dependency on non-reimbursed staff members. Secondly, it will require additional funding to provide the electronic functionality of the EFOIA. Historically, the USNCB has used non-reimbursed staff members from the Criminal Division, Controller of the Treasury, and Veterans Administration. During the early 1990s, we trained a paralegal for this position; however, she left for a permanent position. As a result, the USNCB has been disadvantaged not only as to permanent staff but with its dependency on non-reimbursed staff members. Until January 1998, the USNCB had limited capability to support the FOIA electronically. Most of these efforts were manual case file searches. Since then the USNCB has stabilized and enhanced its Interpol Case Tracking System (ICTS) and Interpol Case Data File (ICDF). This permits electronic searches. The EFOIA will be integrated with those case databases to search, redact and maintain records. For these reasons, the USNCB is requesting a permanent FOIA (a management analyst) staff member and \$319,000 for hardware and software programming development. The USNCB has not requested additional resources in the President's 1997 budget.

UNITED STATES NATIONAL CENTRAL BUREAU
Salaries and Expenses
Financial Analysis-Program Changes
(Dollars in Thousands)

Item	Electronic FOI Pos. Amount	Total Pos. Amount
GS-13.....	1 961	1 961
Total Positions & Annual Rate.....	1 961	1 961
Lapses (-).....	(1) (21)	(1) (21)
Other than full-time permanent.....	0 0	0 0
Other Personnel Compensation.....	0 0	0 0
Total Workyears and Personnel Compensation.....	1 931	1 931
Personal Benefits.....	0 0	0 0
Travel & Transportation.....	0 0	0 0
OSA Rent.....	10 19	19
Other Services.....	221 221	221
Supplies.....	1 1	1
Equipment.....	12 12	12
Total program workyears & obligations changes requested, 1994.....	1 333	1 333

UNITED STATES NATIONAL CENTRAL BUREAU
Salaries and Expenses
1998 Priority Rankings

PROGRAM INCREASES		
Ranking	Program	Ranking
1	Electronic FOIA	1

BASE PROGRAM	
Program	
USNCB	

Salaries and expenses, General Legal Activities
 Detail of Permanent Positions By Category
 Fiscal Years 1996-1998
 (Dollars in Thousands)

Category	1996	1997	1998	
	Authorized	Authorized	Program Increases	Total Authorized
Gen. Admin. Clerical and Office Services (300-399).....	66	66	1	67
Accounting and Budget (400-499).....	3	3	0	3
Information and Arts Group (1000-1099).....	3	3	0	3
Total.....	72	72	1	73
Washington.....	62	62	1	63
U.S. Field.....	0	0	0	0
Foreign Field.....	0	0	0	0
Total.....	62	62	1	63
NPR Targeted Positions				
Supervisors.....	7	7	0	7
Budget Specialist.....	3	3	0	3

United States National Central Bureau
Salaries and expenses, General Legal Activities
Summary of Changes
(Dollars in thousands)

Adjustments to the Base: 1987 Appropriation As Enacted	Perm Work- Pos. Years Amount 83 84 84,435
Increases:	
1988 Pay Raise Adjustments	83 84 84,435
Annualization of 1987 pay raise	83 84 84,435
Within-grade Increase (WGI)	83 84 84,435
General Pricing Levels	83 84 84,435
Investigations/Reinvestigations	83 84 84,435
INTERPOL Dues	83 84 84,435
Total Increases	83 84 84,435
1988 Base	83 84 84,435
Program Changes	83 84 84,435
1988 Estimate	83 84 84,435

United States National Control Bureau
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1986 Actual		1987 Estimate		1988 Estimate		Increase/Decrease	
	Pos. & Wyrn.	Am.	Pos. & Wyrn.	Am.	Pos. & Wyrn.	Am.	Pos. & Wyrn.	Am.
GS-15, \$715,015-\$93,714	2		2		2		0	
GS-14, \$644,015-\$82,012	1		1		1		0	
GS-13, \$584,015-\$71,017	6		6		6		0	
GS-12, \$443,015-\$60,711	7		7		7		0	
GS-11, \$393,015-\$51,011	10		10		10		0	
GS-10, \$343,015-\$43,011	10		10		10		0	
GS-9, \$311,015-\$41,185	6		6		6		0	
GS-8, \$281,015-\$37,288	6		6		6		0	
GS-7, \$251,015-\$33,087	2		2		2		0	
GS-6, \$231,015-\$30,384	1		1		1		0	
GS-5, \$201,015-\$27,183	0		0		0		0	
GS-4, \$181,015-\$24,188	0		0		0		0	
Ungraded positions:								
Locality Pay:								
1987 Pay Rate:								
1988 Pay Rate:								
Total appropriated positions:	62	\$2,344	62	\$2,792	63	\$2,869	1	\$108
Pay above stated annual rates:								
Leave:	(7)	(29)	(7)	(10)	(7)	(41)	0	(51)
Savings due to lower pay scales for part of yr:		(12)		(10)		(29)		(8)
Net full-time personnel:	60	\$2,312	60	\$2,680	61	\$2,710	1	\$122
Other full-time personnel:								
Part-time personnel:	1	\$47	1	\$45	1	\$47	0	\$2
Temporary employment:	3	\$3	3	\$6	3	\$61	0	3
Other personnel compensation:								
Overhead:								
Other compensation:								
Special personnel services payments:								
Total, personnel and personnel compensation:	68	\$2,465	64	\$2,853	65	\$3,003	1	\$140
Average GS salary:		\$37,868		\$43,998		\$48,403		
Average GS salary:		18.48		18.48		18.54		

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United States National Central Bureau
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1996 Actual		1997 Request		1998 Request		Increase/Decrease
Object Class	Wysr.	Amt.	Wysr.	Amt.	Wysr.	Amt.	
11.1 Total workyears & personnel compensation...	66	\$2,312	60	\$2,088	61	\$2,510	\$122
11.3 Other than full-time permanent.....	4	166	4	163	4	154	9
11.5 Other personnel compensation.....	83	83	22	22	22	34	12
11.8 Special personal services payments.....	85	\$2,758	64	\$2,163	68	\$3,003	\$120
Total.....							
Reimbursable workyears:							
Full-time Permanent.....	...	...	...	...	...	...	...
Other Object Classes:							
12.0 Personnel benefits.....	4481	\$4481	...	\$648	...	\$437	\$19
13.0 Benefits to personnel.....	1	1	2	2	11	11	9
21.0 Travel and transportation of persons.....	77	77	61	61	76	76	14
22.0 Transportation of things.....	26	26	26	26	26	26	0
22.1 GSA rent.....	996	996	997	997	997	997	0
23.2 Rental payments to others.....	10	10	26	26	26	26	0
23.3 Comm., util., & other misc. charges.....	302	302	272	272	272	272	0
24.0 Printing and reproduction.....	0	0	2	2	2	2	0
25.1 Advisory and assistance services.....	0	0	0	0	0	0	0
25.2 Other services.....	347	347	62	62	400	400	338
25.3 Purchases of goods & svc. from Gov't accts.....	286	286	176	176	129	129	(85)
26.0 Supplies and materials.....	66	66	36	36	24	24	8
31.0 Equipments.....	326	326	128	128	483	483	315
41.0 Grants.....	1,326	1,326	1,510	1,510	1,570	1,570	60
Total.....		\$3,147		\$3,666		\$4,276	\$769
Total Obligations		\$7,212		\$8,318		\$7,277	\$648

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Performance Measurement Tables Present by General Goal

GENERAL GOAL: 1) Ensures the rapid processing of customer requests to a appropriate law enforcement sources.									
PERFORMANCE INDICATOR INFORMATION					PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1996 Actual	1997 Actual	1997 Target	1997 Estimate	1998 Estimate	1998 Estimate	1998 Estimate	1998 Estimate
Input	1. USNCB Budget (millions of dollars) 2. FTE (Full time equivalent)	6.4	6.4	6.4	6.4	7.3	7.3	7.3	7.3
Output/ Activity	3. Requests Processed (RPT) A. Investigative B. Canadian Interface C. International MCIC (Stolen Vehicles)	14	18	17	18	21	21	21	21
Intermediate Outcome	4. Turnaround Time A. Investigative (days) B. Canadian Interface (secs) C. International MCIC (Stolen Vehicles) (secs)	1300	1442	1600	1600	1600	1600	1600	1600
End Outcome	5. Customer Service Compliance Standards (% of compliance) A. Investigative B. Canadian Interface C. International MCIC (Stolen Vehicles)	N/A	N/A	N/A	N/A	100	100	100	100
A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your programs.									
Turnaround Time - From receipt of request, the time it takes to perform in-house functions and, thereafter, relay the request to the appropriate law enforcement source(s).									
Canadian Interface - A computerized interface between the U.S. and Canada, by which either can examine the criminal record data of the other country on persons, vehicles and property.									
B. Factors Affecting FY 97 Program Performance. Describe reasons for any significant differences between target levels of performance and estimates of actual performance (positive or negative).									
Expedient processing of request is contingent upon availability of financial and human resources; and continued implementation of OASAC.									
C. Factors Affecting Selection of FY 96 and 97 Targets. Provide information on the selection of target levels of performance, where necessary.									
Same as B.									
Indicators in indicator covering a requested 1998 program change. A performance indicator and target must be set for the results that will be achieved should resources be received.									

General Goals: 2) Ensure the rapid processing of investigative leads to the requesting law enforcement customer.									
PERFORMANCE INDICATOR INFORMATION					PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1998 Actual	1998 Target	1998 Estimate	1998 Estimate	1998 Estimate	1998 Estimate	1998 Estimate	1998 Estimate
Input	1. USMCS Budget (millions of dollars)	6.4	6.4	6.4	7.3	7.3	7.3	7.3	7.3
	2. FTE (Full time equivalent)	64	64	64	63	63	63	63	63
Output/Activity	3. Requests Processed (RR)								
	A. Investigative	14	15	17	19	21	23	23	23
	B. Canadian Interface	1300	1442	1600	1600	1600	1600	1600	1600
	C. International NCIC (Stolen Vehicles)	N/A	N/A	100	100	119	121	121	121
Intermediate Outcome	4. Turnaround Time								
	A. Investigative (days)	16	15	10	10	7	6	6	6
	B. Canadian Interface (secs)	30<	15<	10<	10<	8<	8<	8<	8<
	C. International NCIC (Stolen Vehicles) (secs)	N/A	N/A	10<	10<	8<	8<	8<	8<
End Outcome	5. Customer Service Compliance Standards (% of compliance)								
	A. Investigative	75	90	95	95	90	90	90	90
	B. Canadian Interface	90	95	99.9	99.9	99.9	99.9	99.9	99.9
	C. International NCIC (Stolen Vehicles)	N/A	N/A	99	99	99.9	99.9	99.9	99.9
A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your programs.									
Turnaround Time - From receipt of request, the time it takes to perform in-house functions and, thereafter, relay the request to the appropriate law enforcement agency.									
Canadian Interface - A computerized interface between the U.S. and Canada, by which either can examine the criminal record data of the other country on persons, vehicles and property.									
B. Factors Affecting FY 97 Program Performance. Describe reasons for any significant differences between target levels of performance and estimates of actual performance (positive or negative).									
Expedient processing of request is contingent upon availability of financial and human resources; and continued implementation of ORACLE.									
C. Factors Affecting Selection of FY 98 and 99 Targets. Provide information on the selection of target levels of performance, where necessary.									
Same as B.									
Disagreement on indicator wording is reported 1998 program change. A performance indicator and target need to set for the results that will be achieved should resources be received.									

GENERAL GOAL: 3) To Internationally fight crime, promote communications among U.S. and International law enforcement.									
PERFORMANCE INDICATOR INFORMATION					PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1985 Actual	1987 Target	1987 Estimate	1985 Estimate	1987 Estimate	1985 Estimate	1987 Estimate	1987 Estimate
Input	1. Mission Travel (1989)	140	77	60	70	60	70	70	70
	2. Interpol Dues (1989)	1,300	1,320	1,310	1,310	1,310	1,310	1,310	1,310
Output/Activity	3. Forums Attended								
	A. Interpol	10	10	12	12	12	12	12	12
	B. Federal	0	10	10	10	10	10	10	10
	C. State	3	3	4	4	4	4	4	4
Intermediate Outcomes	4. Issues Addressed								
	5. Issues Resolved								
End Outcome	7. Inquiries Received (1989)	13.8	14.8	14.8	14.8	14.8	14.8	14.8	14.8
A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your programs.									
1989 Interpol dues include advance payments for 1990. Issues Addressed: Operational, administrative or investigative issues discussed at forums. These issues may have international, Federal, State or local impact. Issues Resolved: Operational, administrative or investigative issues discussed at forums. These issues may have international, Federal, State or local impact. Inquiries Received: The total and outcome would be an increase in inquiries received. Such inquiries may be from the media and law enforcement entities. They may include request for investigative assistance, public relations information, or the exchange of information of mutual benefit. However, the USMCCB can not effect this action.									
B. Factors Affecting FY 87 Prog Perf. Describe reasons for any significant differences between target levels of performance and estimates of actual performance, whether positive or negative. The USMCCB's ability to sponsor and attend forums which provide communication among law enforcement is contingent upon availability of financial and human resources.									
C. Factors Affecting Selection of FY 86 and 87 Targets. Provide information on the selection of target levels of performance, where necessary. Availability of financial and human resources.									
Disagrees as indicator serving a required 1989 program change. A performance indicator and target must be set for FY results that will be achieved should resources be needed.									

Legal Activities Office Automation
Salaries and expenses, General Legal Activities
Crosswalk of 1997 Changes
(Dollars in thousands)

	1997 President's		Congressional		1997 as enacted	
	Budget Request	Pos	NY Amount	Pos	NY Amount	Pos
Legal Activities Office Automation	\$17,525					\$17,198

Congressional Appropriation Action on 1997 Request. The Conference Report on the 1997 appropriations bill for the Justice Department did not provide sufficient resources for base funding

General Legal Activities
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

	<u>Perm. Work-</u>		<u>Est. Years</u>		<u>Amount</u>	
	<u>For</u>	<u>Est.</u>	<u>For</u>	<u>Est.</u>	<u>For</u>	<u>Est.</u>
<u>Adjustments to base:</u>						
1997 enacted						\$17,198
Increase						257
1998 base						17,455
Program Changes						7,108
1998 Estimate						24,555
Legal Activities						
Office Automation						
	<u>1998 Enacted</u>	<u>1998 Actual</u>	<u>1997 Enacted</u>	<u>1998 Enacted</u>	<u>1998 Actual</u>	<u>1998 Enacted</u>
	<u>For</u>	<u>For</u>	<u>For</u>	<u>For</u>	<u>For</u>	<u>For</u>
	<u>Est.</u>	<u>Est.</u>	<u>Est.</u>	<u>Est.</u>	<u>Est.</u>	<u>Est.</u>
	812,525	514,535	517,100	812,455	517,100	517,100

General Legal Activities
Salaries and Expenses
Program and Performance Information
Government Performance and Results Act Requirements

MISSION: To improve the productivity of the Department's legal activities through the application of office automation technology.

ORGANIZATIONAL GOALS:

1. To install automated systems that will satisfy the essential document production, data management, and communications requirements of the Department's litigating components, within terms defined by the Department's senior management.
2. To establish cost-effective standards for the electronic exchange of documents and messages among Departmental organizations and to connect Departmental litigating components to other Federal agencies and the public.
3. To institutionalize the planning and acquisition processes for office automation resources so as to
 - Build on the installed base of office automation systems in the litigating organizations;
 - Build cooperative processing systems wherever possible;
 - Ensure installation of compatible hardware and software; and
 - Move office automation and computing systems toward U.S. and international standards.

General Legal Activities
Salaries and expenses
Program and Performance Information
(Dollars in thousands)

ACTIVITY: LEGAL ACTIVITIES OFFICE AUTOMATION

	1997 Appropriation Enacted	1998 Base	1998 Estimate	Increase/Decrease	Perm. Pos.	FTE	Amount— 1998
	\$17,198
	17,455
	24,553
	7,100

Base Program Description: In 1986, the Deputy Attorney General directed that the Department develop a comprehensive policy and strategy for the design and acquisition of automated systems for the six legal divisions, the U.S. Attorneys, and senior management. The objective was to achieve management efficiencies and productivity gains in office automation systems and to move the Department toward a more coordinated and unified approach to these systems.

Since 1986, the Department has developed and implemented a series of project plans for carrying out the Deputy Attorney General's direction. Beginning with the AMICUS system in 1986 and the EAGLE system in 1989, the Department began to implement coordinated office automation systems throughout the litigating organizations, except for the Antitrust Division. With the award of a contract for the implementation of the Justice Consolidated Office Network (JCON) in March 1996, the Department has now entered the final phase in its overall plan to achieve a fully integrated office automation network among the legal activities.

The implementation schedule adopted by the legal activities has been designed to proceed in accordance with the funds available in FY 1996 and anticipated in FY 1997. The conversion to JCON will begin in August 1996 with the organizations operating the oldest equipment, the AMICUS organizations--Civil Division, Civil Rights Division and

Environment and Natural Resources Division. As their conversion nears completion, the organizations operating the EAGLE network--Criminal Division, Justice Management Division, Tax Division and the U.S. Attorneys--will begin their conversion to JCON. As the largest organization with by far the most locations, the bulk of the U.S. Attorneys conversions to JCON will occur in FY 1998. Also, in FY 1998, the Department plans to launch the conversion of the last remaining legal activity, the Antitrust Division, to the JCON network.

The JCON contract provides for a wide range of system integration services, including design and engineering services, facilities management services, hardware and software installation and maintenance, and training. The contractor may also sell network hardware and software; however, the contractor is expressly precluded from selling workstations and printers to the government. The government will have to acquire such enduser computer commodities from other sources.

Although individual organizations are allowed to tailor their JCON installations to satisfy unique needs, the contract provides for a core architecture that will ensure full interoperability among the component organizations. The core architecture consists of the following elements:

- Electronic Mail: GroupWise
- Word Processing: WordPerfect
- Desktop Environment: Windows 95
- Network Protocol: TCP/IP
- Server Environment: Solaris

INITIATIVE

	Perf.	Est.	Amount
Legal Activities Office Automation			
JCON Implementation	\$7,100

Proposed Actions

This initiative seeks to address the following objectives:

1. To upgrade the technical capabilities of the office automation systems operating in DOJ legal activities.

2. To deliver the upgraded office automation system to the remaining legal division sites and a significant segment of U.S. Attorney offices.

The 1998 estimate for the Legal Activities Office Automation (LAOA) activity is based on an implementation schedule adopted by the JCOM Steering Committee and average costs formulated following the award of the JCOM contract. The projected costs for FY 1998 as derived from these formulations simply exceed the base funding level by \$7,100,000.

Less than one-half of Criminal Division and Tax Division implementation schedules are expected to spill over into FY 1998. For the U.S. Attorneys, however, FY 1998 will be the year in which most of their offices are converted to JCOM.

A few U.S. Attorney offices are scheduled for conversion prior to FY 1998, only 390 workstations out of a total of 9,817. FY 1998, however, is scheduled to see the conversion of 6,000 U.S. Attorney workstations to JCOM. In addition, the conversion of the 778 workstations in the Antitrust Division is scheduled for FY 1998.

For the Criminal Division, 155 out of 795 workstations are scheduled to be converted to JCOM in FY 1998. For the Tax Division, 175 out of 440 workstations will be converted to JCOM in 1998. In both Divisions, the balance are scheduled to be converted in the preceding year.

General Legal Activities
 Salaries and expenses
 Legal Activities Office Automation
 Financial Analysis - Program Changes
 (Dollars in thousands)

Item	JCON Implementation		Total	
	Pos.	Amount	Pos.	Amount
Communications, utilities, and other miscellaneous charges	25	...	25
Equipment	7,075	...	7,075
Total program workyears & obligations changes requested, 1997	...	7,100	...	7,100

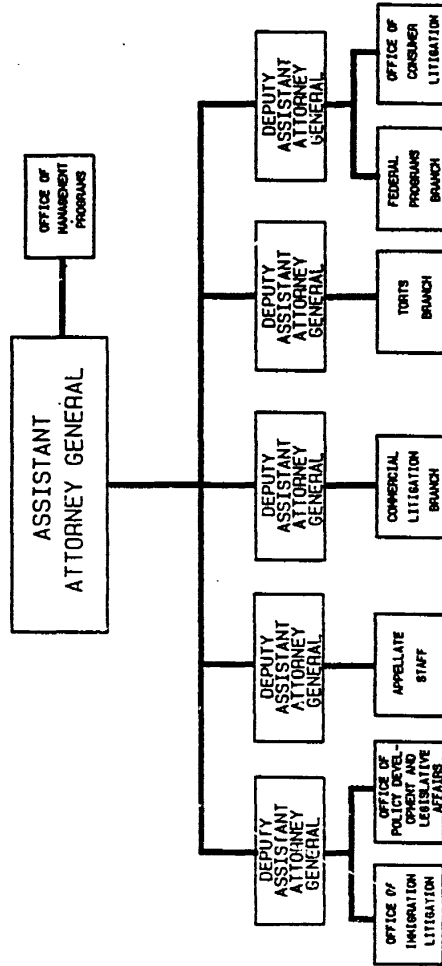
General Legal Activities
Salaries and expenses
Legal Activities Office Automation
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1996 Actual	1997 Estimate	1998 Request	Increase/ Decrease
21.0 Travel and transportation of persons ..	11	...	...	...
23.1 GSA rent	48	65	65	...
23.3 Comm., util., & other misc. charges ..	103	227	252	+25
24.0 Printing and Reproduction	2	2	2	...
25.1 Advisory and Assistance Services	1,116	1,908	2,150	1,758
25.2 Other services	1,656	7,694	5,002	2,692
25.3 Purchases from other gvt accounts	383	338	210	128
25.7 Operation and maintenance of equipment ..	244	...	...	...
26.0 Supplies and materials	84	177	110	67
31.0 Equipment	10,747	12,601	14,764	11,163
Total obligations	14,594	25,012	24,555	-457

Department of Justice
Violent Crime Reduction Programs, General Legal Activities
Estimates for Fiscal Year 1998
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CIVIL DIVISION



Approved:  Date: 7-3-90
Dick Thompson
Attorney General

Department of Justice
Violent Crime Reduction Programs, General Legal Activities
Summary Statement
Fiscal Year 1998

Immigration enforcement is a continuum that involves the Immigration and Naturalization Service (INS), the immigration courts, the Board of Immigration Appeals (BIA) and the federal courts. The Violent Crime Control and Law Enforcement Act of 1994 provided additional resources across this continuum for initiatives on criminal aliens and asylum claims. These resources are expected to contribute to a significant increase in the number of deportable aliens facing expulsion from the United States. While the INS has direct responsibility for effecting an alien's removal, the Office of Immigration Litigation ensures the process by upholding administrative removal decisions challenged in court.

The Office's receipts are directly related to the pace of work by the Immigration Judges and the BIA. With the number of Immigration Judges doubling between 1994 and 1996 as a result of Violent Crime Reduction (VCR) resources, about half of the Office's 1996 receipts were a result of these new Immigration Judges. Through 1998, VCR case receipts are expected to increase 40 percent, to 858 cases, as a result of the infusion of VCR resources and the enforcement initiatives targeting criminal aliens, employment enforcement and border enhancement.

Department of Justice
Violent Crime Reduction Program, General Legal Activities
Notification of Proposed Payments to Authorization Program

Violent Crime Reduction Program, General Legal Activities

For the expeditious deportation of denied asylum applicants, as authorized by section 19009 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, (\$7,750,000) \$1,552,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund. (Department of Justice Appropriations Act, 1997.)

Department of Justice
Violent Crime Reduction Program - General Legal Activities
Fiscal Year 1997 Request
(Values in thousands)

Activity/Program and general civil matters:	1997 President's Budget Request		Congressional Appropriation Actions on 1997 Request		Recommendation		1997 As Directed	
	FY	II	FY	II	FY	II	FY	II
Federal Appellate Administration.....	..	..	..	..	..	..	..	..
Tort Litigation.....	..	..	..	..	..	..	..	..
Commercial Litigation.....	..	..	..	..	..	..	..	..
Consumer Litigation.....	..	..	..	..	..	..	..	..
Immigration Litigation.....	..	..	..	..	..	..	..	..
Management and Administration.....	71	87,750	..	..	..	..	71	87,750
Total.....	71	7,750	..	..	..	..	71	7,750

Note: The Civil Division is the only organization within the General Legal Activities appropriation receiving funding from the Violent Crime Reduction Trust Fund.

	Perm. FTE	FTE	Amount
Violent Crime Reduction			
1997 Appropriation Anticipated	71	71	\$7,750
1998 Base	71	71	\$7,969
1998 Estimate	71	71	\$7,969
Increase/Decrease	...	...	...

Base Program Description

Immigration enforcement is a continuum that involves the Immigration and Naturalization Service (INS), the Immigration courts, the Board of Immigration Appeals (BIA) and the federal courts. The Violent Crime Control and Law Enforcement Act of 1994 provided additional resources across this continuum for initiatives on criminal aliens and asylum claims. These resources are expected to contribute to a significant increase in the number of deportable aliens facing expulsion from the United States. While the INS has direct responsibility for effecting an alien's removal, the Office of Immigration Litigation ensures the process by upholding administrative removal decisions challenged in court.

Deportations are conducted as administrative hearings, the outcomes of which often are contested in court. Hearings for aliens serving criminal sentences are held prior to their release from custody through the Institutional Hearing Program (IHP). Following an Immigration Judge's decision regarding Immigration status, an alien may appeal the decision to the BIA. Any further appeals are pursued in federal courts, with the Office of Immigration Litigation litigating the vast majority of these cases, while the U.S. Attorneys handle the remainder.

Cases resulting from the dedication of Violent Crime Reduction (VCR) resources are identical in nature to those traditionally handled by the Office of Immigration Litigation. The majority can be categorized as "removal" cases -- individual challenges to orders of exclusion, expulsion and detention. The remainder are benefits denial cases and collateral attacks on INS enforcement actions.

The Office's receipts are directly related to the pace of work by the Immigration Judges and the BIA. With the funds of Immigration Judges doubling between 1994 and 1996, as a result of VCR resources, about half of the Office's 1997 receipts are attributable to new Immigration Judge decisions. Through 1998, VCR receipts are expected to increase 40 percent, to 858 cases, as a result of the infusion of VCR resources and the enforcement initiatives targeting criminal aliens, employment enforcement and border enhancement.

Accomplishments

The resources provided by the Violent Crime Control and Law Enforcement Act contributed substantially to the Office of Immigration Litigation's ability to win 97 percent of the personally and jointly handled cases decided or dismissed by the courts in 1996. This exceeded the 90 percent target set by the Office under the Government Performance and Results Act (GPRA). Specific examples of 1996 case accomplishments are included in the Office's GLA budget submission.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Civil Division -- Violent Crime Reduction Programs		PERFORMANCE TARGETS AND ACTUAL RESULTS					
GOAL: To prevail on behalf of the United States in defense and assertion of Federal programs and policies.		PERFORMANCE INDICATOR INFORMATION					
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target	
Input	1. Number of cases pending beginning of year	N/A	0	162	365	504	
	2. Number of cases received during year	N/A	347	614	758	858	
Output/Activity	3. Number of cases terminated during year	N/A	185	411	618	759	
Outcome	4. Percent of cases won	N/A	98%	97%	90%	90%	
A. Definitions of Terms or Explanations for Indicators:							
<ul style="list-style-type: none"> • All Indicators: These indicators were first developed in 1995 as a result of the enactment of the Violent Crime Control and Law Enforcement Act of 1994. • Indicators 1, 2 and 3: Case counts for these indicators were developed in a manner consistent with prior budget submissions and refer to personally and jointly handled cases.¹ • Indicator 4: The percent of cases won is based on the number of cases that resulted in judgments or dismissals by the court.² 							
B. Factors Affecting FY 96 Program Performance:							
<ul style="list-style-type: none"> • All Indicators: The Office of Immigration Litigation's deep knowledge of immigration statutes and its ability to coordinate cases nationwide contributes to its success. 							
C. Factors Affecting Selection of FY 97 and 98 Targets:							
<ul style="list-style-type: none"> • Indicator 2: The 1997 and 1998 targets assume that additional cases will be generated as a result of the infusion of Violent Crime Reduction Trust Fund resources and other immigration initiatives. • Indicator 4: Targets are not being raised above 90 percent because the effect of the new immigration statutes on the Office's performance is uncertain. 							

¹ Case receipts represent an estimate of the subset of the Office of Immigration Litigation's total receipts resulting from the infusion of Violent Crime Reduction Trust Fund resources. In 1995, the percentage was 25 percent; for 1996 to 1998, the percentage is 50 percent.

² These percentages are the same as those cited in the Office of Immigration Litigation's GLA budget submission.

Department of Justice
Violent Crime Reduction Program, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996 Authorized	1997 Authorized	1998	
			Program Increases	Total
Attorneys (903)	43	52	...	52
Paralegal Specialists (950)	3	4	...	4
Gen. Admin. Clerical and Office Services (300-399)	12	14	...	14
Total	58	71	...	71
Washington	58	71	...	71
U.S. Field .....	...	...	...	...
Foreign Field .....	...	...	...	...
Total	58	71	...	71

1. These figures include 50 term appointments.

APPROPRIATE POSITIONS

Decision Date	1987 Appropriation Anticipated				1988 Program Increases				1988 Request Level			
	Attorneys Pos.	Support FTE	Total Pos. FTE	Total Pos. FTE	Attorneys Pos.	Support FTE	Total Pos. FTE	Total Pos. FTE	Attorneys Pos.	Support FTE	Total Pos. FTE	Total Pos. FTE
Federal Appellate Activity	..	..	..	..	..	..	..	..	..	..	..	..
Tort Litigation	..	..	..	..	..	..	..	..	..	..	..	..
Commercial litigation	..	..	..	..	..	..	..	..	..	..	..	..
Consumer litigation	..	..	..	..	..	..	..	..	..	..	..	..
Immigration litigation	53	53	18	71	71	..	..	..	53	53	18	71
Marijuana and Administration	..	..	..	..	..	..	..	..	..	..	..	..
Total	53	53	18	71	71	..	..	..	53	53	18	71

Department of Justice
Violent Crime Reduction Program, General Legal Activities
Justification of Request for Funds to Base
(Dollars in thousands)

Adjustments To Base.		Perm. Ftd.	Work Kasa	Amount
Increases:				
1.	1991 pay raise	...	...	\$111
This item represents the increase in the 1991 pay raise to be effective January 1, 1991, for all employees covered by the pay raise. The amount requested, \$111,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits.				
2.	Annualization and increase of 1992 pay rates	...	...	31
This pay annualization represents first quarter amounts (October through December) of the 1992 pay increase of 3.0 percent estimated to be effective January 1992. The amount requested, \$31,000, represents the pay amounts for three-quarters of the year.				
3.	General pricing level adjustments	...	...	77
This item represents the adjustments to selected expense categories. The increased costs identified result from applying a factor of 3.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to capital, materials, equipment, contracts with the private sector, printing costs, transportation costs, and utilities.				
Total increases				319

Department of Justice
Violent Crime Reduction Program
Summary of Budgetary Data by Grade and Object Class
(Dollars in thousands)

Grade and salary ranges	1986 Actual		1987 Estimate		1988 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS-15, \$67,941-96,326	27		28		28			
GS-14, \$57,760-75,085	4		7		7			
GS-13, \$48,878-63,539	10		12		12			
GS-12, \$41,394-51,484	9		9		9			
GS-11, \$34,324-42,484	3		3		3			
GS-10, \$28,345-36,850	3		4		4			
GS-09, \$25,662-33,357	2		4		4			
GS-08, \$21,771-30,115	1	853	4	853	4	853		
Locality Pay				46		46		
1987 Pay Raise								
1988 Pay Raise								
Pay above stated annual rates	58	4,590	71	4,112	71	4,112		
Savings due to lower scales for part	(1)	(5)	(56)	(...) ¹	(56)	(...) ¹		
Lapses	57	4,585	21	1,438	21	1,437		
Net, full-time permanent								
Other than permanent								
Part-time permanent	26	1,469	50	2,705	50	2,774		
Net, full-time compensation								
Other personnel compensation								
Overtime		14		20		20		
Other compensation		24		40		40		
Special incentive payments								
Total, workyears and personnel compensation	83	6,097	71	4,203	71	4,311		
Average GS Salary		(851,241)		(856,437)		(856,437)		
Average GS Grade		13.1		13.3		13.4		

¹ Does not reflect an amount due to the use of term appointments in the appropriation.

² Increased by 18 PTE per one-time reprogramming.

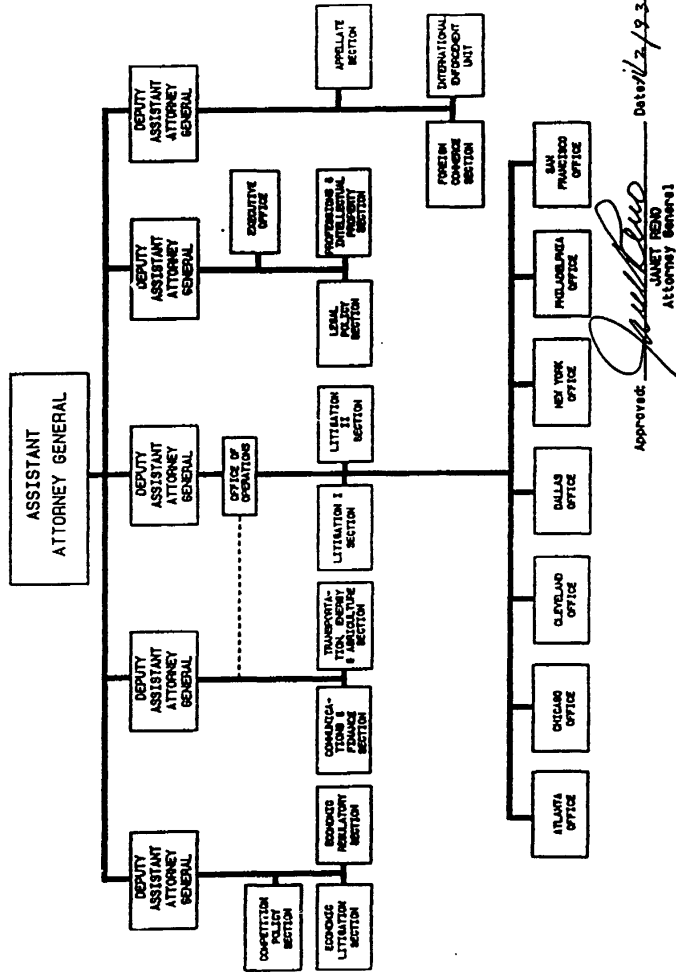
³ Includes \$3,347,000 per one-time reprogramming.

**ADMINISTRATIVE
SCHEDULE**

**Budget Request for Fiscal Year 1998
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ANTITRUST DIVISION



ANTITRUST DIVISION FOR THE GOOD ECONOMY

Budget Request for Fiscal Year 1998 Summary Statement

The Antitrust Division is requesting a 1998 budget of \$74 positions, \$33 workyear, and \$97,542,000. The requested resources come from three sources, direct funding (158 positions, \$24 workyear, and \$17,842,000), primary feeing fees to be collected in 1998 (606 positions, \$72 workyear, and \$70,000,000), as cited in the Division's appropriation language, and a \$37,542,000. The requested funds are critical based upon the Division's rapidly expanding workload and the increasing complexity of the investigations and the Division is tasked to pursue for the benefit of American consumers and businesses.

REVENUE ASSUMPTIONS

Filing fees of \$45,000 are paid by persons acquiring voting securities or assets who are required to file premerger notifications by the Hart-Scott-Rodino (HSR) Antitrust Improvements Act of 1976 (15 U.S.C. 18a) and the regulations promulgated thereunder. These fees are divided evenly between and credited to the appropriations of the Federal Trade Commission and the Antitrust Division.

(Note that the President's 1998 budget references a proposal (PAYGO provision contained in the Federal Trade Commission Section) to restructure HSR fees to generate additional revenue to be credited to the Treasury. The proposal will not increase funding for the Antitrust Division nor the extent of its reliance on HSR filing fee revenue, and will not affect the Antitrust Division's budget request as presented in this submission. The proposal will be submitted at a later date by the Administration as part of its legislative package.)

CRITICAL MISSION OF THE ANTITRUST DIVISION

Simply stated, the mission of the Antitrust Division is to protect competition and consumers in increasingly international and technology-driven markets through sound and reasoned enforcement of the nation's antitrust laws. This mission is accomplished by the Division's comprehensive over a wide spectrum of industries, ensuring a level playing field for U.S. businesses, both nationally and internationally, and the establishment and maintenance of a competitive economy for American consumers.

To carry out this mission, the Division has undertaken major initiatives in the past year in the areas of mergers, criminal enforcement, civil conduct, and international enforcement. Attention also has been focused on certain critical industries, including the computer industry, telecommunications, health care, banking and financial services. The Division's record in the past year is impressive, but it is only a beginning. An improved funding base is critically required in 1998 to continue the Division's drive to maintain an adequate level of antitrust enforcement in the face of the challenges of international and technology-driven markets. The Division's budget request for 1998 is \$97,542,000, an increase of \$37,542,000 over the 1997 budget. This increase is necessary to maintain the Division's high quality investigations and civil and criminal enforcement, and to ensure that the Division can continue to provide the highest quality service to the American people. The Division's budget request for 1998 is \$97,542,000, an increase of \$37,542,000 over the 1997 budget. This increase is necessary to maintain the Division's high quality investigations and civil and criminal enforcement, and to ensure that the Division can continue to provide the highest quality service to the American people.

RECORD-SETTING MERGER ACTIVITY

The American economy is in the midst of a record-setting merger wave. After setting a record in 1995, mergers and acquisitions activity reached a new record high of \$658.8 billion in 1996, according to the Federal Reserve Bank of New York. Over the past five years, the rate of merger and acquisition activity has increased by 100 percent. In 1996, the rate of merger and acquisition activity was 1.2 percent of the U.S. economy, up from 1.0 percent in 1995. Along with growth, there is an emphasis on global competition. As a result, U.S. companies are stepping up their acquisitions and partnering activities. In the telecommunications area alone, The New York Times, January 2, 1997, stated that, "Deregulation and the dissolution of international trade barriers are fueling a white-hot level of activity in telecommunications, broadcasting and utilities, which together accounted for 27 percent of all the deals [in 1996]. Activity in other sectors is expected to remain high, as well, due to a number of factors that tend to promote merger and acquisition activity in the economy. As noted in The New York Times, January 2, 1997, "The climate [in 1996] was as good as it gets. Because these conditions aren't expected to change, 1997 is shaping up to be another strong year, with experts say."

The higher level of merger activity has been coupled with an **emphasis on the expediency** of the matters reviewed by the Division. Unlike the conglomerate mergers of the 1960s, which did not involve direct competition, the "strategic" mergers of the 1990s often raise serious competitive issues, as well as new efficiency defenses. As a result, greater scrutiny of the new wave of mergers is required. In addition, in many cases, companies that are merging involve "high-tech" industries in which technology is advancing at a blistering pace. In these cases, it is critically important that the Antitrust Division has the resources to keep up—to permit efficiency enhancing mergers to go forward, while bidding or requiring modifications that would reduce competition and increase costs for consumers.

The recent merger wave has focused on the telecommunications, broadcast, banking, health care, and utility industries, many with an effect on the U.S. economy and in which the federal government has a strong interest. The Department of Justice's Antitrust Division has a lead role in federal antitrust enforcement. In particular, the Division is responding to a surge in federal antitrust enforcement activity. The Division has a lead role in federal antitrust enforcement. In particular, the Division is responding to a surge in federal antitrust enforcement activity. The Division has a lead role in federal antitrust enforcement. In particular, the Division is responding to a surge in federal antitrust enforcement activity.

The ramifications of the current wave of mergers will be felt for generations to come. Major reviews should be timely and no broader than necessary so as not inappropriately to burden the companies attempting to merge. The fate of American businesses to compete fairly on a level playing field, and the interests of American consumers and shareholders of Americans to be able to buy the best possible products and services at the lowest possible price are the issues at stake. In order to keep up with and carefully review the tremendous number of mergers and acquisitions that are being proposed, the Antitrust Division critically needs additional staff and resources.

Vigorous competition is critical to assure the rapid innovation that generates continued advances in America's standard of living and American competitiveness in world markets. The Clinton's civil non-merger enforcement program is a critical part of this process. Through this program, civil enforcement actions can be pursued to combat anticompetitive conduct that does not rise to the level of a criminal violation, but that unreasonably raises prices for American consumers or otherwise threatens innovation.

In 1998, the Division filed 12 consent decrees plus four 7a decrees (the largest number in 18 years) to stop anticompetitive business practices through civil remedies. Examples of past remedies taken by the Division that emphasize the importance of this program include a consent decree with the Division against Pilkington (PILCO), a British firm, and its U.S. subsidiary for conspiring to restrain competition in the U.S. market for float glass by allocating the \$10 billion per year glass industry—effectively foreclosing U.S. firms from foreign markets. As the result of the Division's action in this matter and the negotiation of a consent decree with Pilkington, U.S. firms will be able to compete for the construction and operation of the approximately 60 new glass plants expected to be built worldwide by the year 2000, resulting in an estimated increase in U.S. export revenue of as much as \$1.25 billion.

Additional matters — in which the Division actions have resulted in significant savings for American consumers or opportunities for U.S. businesses — have involved high-tech industries such as personal computer operating systems in which, as the result of Division action, opportunities were maintained for local operating systems to compete in a market formerly left to foreign suppliers. In the health care industry, the Division has also been particularly active in protecting the health care industry from unfair competition, and recent cases and investigations by the Division have involved a wide variety of health care matters affecting all 50 states, many focusing on anticompetitive conduct by competing doctors and hospitals to minimize competition from managed care plans. Working closely with state attorneys general, the Division needs to maintain and increase its attention in this area to help ensure that American consumers continue to be able to afford quality health care at the lowest possible price.

These are just a few of the civil non-merger matters that have been pursued by the Division, though the number of matters being identified to the Division for investigation is increasing as a phenomenal rate. The Division currently has 48 ongoing civil non-merger investigations, including 20 new matters opened in 1988. Investigations of alleged monopolistic behavior have been a significant part of the Division's workload since 1983 when only three such investigations were opened. The numbers for both 1984 and 1986 reflect major increases in the Division's workload, as monopolization investigations are often the most complex and resource demanding matters handled by the Division. As evidenced by the Pilkington matter, however, the return to American consumers from such investigations can be substantial, and such investigations can be of broad benefit.

With the criminal case, the Antitrust Division has focused increasingly on national and international price-fixing conspiracies and other cartels with substantial consumer impact. In the first three months of 1997, \$115 million in fines were imposed on 10 corporations and 5 individuals. In 1997, the Justice Division's *Medford Companies (MFC)* case and *United Fruit (UF)* case resulted in \$10 million and the largest criminal antitrust fine ever—in one example of the type of international price-fixing conspiracies the Division is focusing on currently. *United Fruit* conspired to manipulate the banana market in the United States and other foreign markets. The *MFC* case involved a conspiracy to fix the price of a popular brand of baby food. To make this case, the Division used its best use of combined federal-state resources. In 1997, we are expected to bring the amount in 1994 (the highest record year with \$41.8 million in penalties). To make this case, the Division used its best use of combined federal-state resources. We have expanded our cooperation with state attorneys general, allowing the Division more effectively to coordinate investigations of antitrust affecting local or regional commerce. As

ANTITRUST DIVISION SOLUTIONS AND EXPENDITURE

a direct result, the grand jury investigations being pursued by the Division are more significant, they are focused on **big** companies and individuals, they involve more complex **conspiracies**, they increasingly have **international dimensions**, and they involve more overall dollars of commerce. The result is more enforcement impact per dollar of Division expenditure. These investigations necessitate much larger discovery and case review, and far greater prosecutorial manpower, requiring the dedication of a significant Division workforce in order adequately to protect markets from anticompetitive practices.

Examples of matters that currently are being reviewed by the Antitrust Division for possible criminal violations include: international conspiracies among domestic and foreign firms to fix prices and allocate markets around the globe in the food and feed and lives industries, affecting several billion dollars of commerce annually; a worldwide cartel to fix prices of a commonly used chemical, with target companies located on several continents, and affecting billions in commerce; an international conspiracy to rig bids on construction projects, affecting \$100 to \$200 million in commerce; a nationwide conspiracy among U.S. manufacturers of a commercial product affecting several hundred million to one billion dollars of commerce; a nationwide conspiracy to allocate contracts of certain products in the promotion and advertising industry affecting approximately \$100 million in commerce annually; and an international conspiracy to fix fees by certain distributors in the food industry, affecting over \$500 million in commerce annually. These are only a few of the many matters that currently are being pursued by the Division. The Division's investigations are far from exhaustive, and the Division is constantly reviewing new information and evidence to determine whether it is necessary to detect criminal antitrust crimes so that American businesses can fairly compete based on the merits, and American consumers continue to pay reasonable prices for goods and services.

CURRENT INADEQUATE STAFFING LEVEL

The Antitrust Division today is staffed at approximately 200 employees below the level it was in 1980. Meanwhile, the U.S. economy has more than doubled in size, markets have become increasingly international, and litigation is far more complex and technologically advanced. Additional funding is required to allow the Division to staff more appropriately. The merger wave the Nation is experiencing has put antitrust enforcement on the front page of America's newspapers and international business publications.

In considering the Division's request for a budget increase in 1998, it should be noted that any increase in the Division's resources pays direct, substantial dividends to the U.S. Treasury. The largest part of these dividends comes from decreased prices for goods and services that the Federal Government buys, a savings estimated at \$400 million to \$1.8 billion annually. The Division's investigations also result in increased competition and lower prices for goods and services that the Federal Government sells, a savings estimated at \$1.5 billion annually. The Division's investigations also result in increased competition and lower prices for goods and services that the Federal Government sells, a savings estimated at \$1.5 billion annually. The Division's investigations also result in increased competition and lower prices for goods and services that the Federal Government sells, a savings estimated at \$1.5 billion annually.

In addition to major antitrust enforcement initiatives, the Division continues to devote itself to ensuring that its organizational structure and functions continually are reviewed in order to meet the needs of the Nation. The Division's resources are being reviewed in order to ensure that the Division is able to meet the needs of the Nation. The Division's resources are being reviewed in order to ensure that the Division is able to meet the needs of the Nation. The Division's resources are being reviewed in order to ensure that the Division is able to meet the needs of the Nation.

The matters highlighted above, and many other important cases enumerated briefly in this budget request, reflect the priorities of the Administration and the important interests of American businesses and consumers in proactive, effective antitrust enforcement. Even in this era of severe budget restraints, **Antitrust is a high priority for the Administration and the public.** Economic stimulation and technological innovation will be a **high priority for the Administration and the public.** Antitrust is a high priority for the Administration and the public.

The Division's revenue neutral request for a program increase of 43 positions, 22 workyears and \$3,847,000 to be derived from fee funding will help assure strong and effective antitrust enforcement which will provide big dividends for all Americans.

ANTITRUST DIVISION
Expenditures and Revenues
 Comparison of 1997 Changes
 (Dollars in Thousands)

Activity/Division	1997 Revised President's Budget Request		Congressional Changes Incorporated by Enacted 1997 Appropriation		1997 Supplemental		1997 Reprogramming		1997 Appropriation Enacted	
	Est	WY	Est	WY	Est	WY	Est	WY	Est	WY
Direct Authority:										
Federal Appellate Activity	8	7	\$1,044	-5	-4	\$995	...	...	3	3
Termination and Prevention of Private Cartel Behavior	112	110	14,180	-71	70	-9,364	...	...	42	40
Preservation of Competitive Market Structure	1	1	1,352	-17	51	2,254	...	...	89	84
Policy Analysis, Legislation and Training	28	27	3,401	-17	51	2,254	...	...	19	14
Competition Advocacy Program	14	13	2,018	-9	-8	-1,338	...	...	5	5
Management and Administration	29	28	3,850	-18	-17	-2,411	...	...	11	11
Subtotal, Direct Authority	182	188	28,431	35	-32	-7,898	...	...	158	154
Indirect Authority:										
Federal Appellate Activity	6	4	420	6	6	743	...	...	10	9
Termination and Prevention of Private Cartel Behavior	63	61	8,921	87	84	10,132	...	...	140	136
Preservation of Competitive Market Structure	495	449	2,570	-17	84	-1,563	...	...	285	281
Policy Analysis, Legislation and Training	11	10	2,541	20	19	2,463	...	...	31	30
Competition Advocacy Program	7	7	784	11	11	1,801	...	...	18	18
Management and Administration	16	16	2,154	21	20	2,874	...	...	39	38
Subtotal, Indirect Authority	658	648	58,905	-27	-27	...	...	...	529	517
Total, New Budget Authority	740	732	84,236	82	-61	-7,898	...	...	687	671
Indirect Authority - Prior Year Carried Over:										
Federal Appellate Activity	3	3	418	...	-1	-98	...	...	3	2
Termination and Prevention of Private Cartel Behavior	99	97	5,815	-22	20	-1,448	...	...	37	37
Preservation of Competitive Market Structure	3	2	242	74	74	7,835	...	...	77	76
Policy Analysis, Legislation and Training	15	15	1,808	-5	-5	-298	...	...	10	10
Competition Advocacy Program	9	9	882	-3	-3	-281	...	...	6	4
Management and Administration	19	18	1,782	-3	-3	-371	...	...	11	11
Total, Prior Year Carried Over Authority	106	102	10,643	39	39	8,357	...	...	144	140
Gross Budget Authority	846	834	94,879	-23	-23	-2,832	...	...	831	811

AMERICAN
OVERSIGHT

Summary of Requirements
(Dollars in Thousands)

1987 Appropriation enacted (Chao)
1988 Base
1988 Request

Perm.
1987
1988
1989

FTE
175
184
184

Amount
\$17,442
\$17,442
\$17,442

Activities/Programs	1987 Appropriation Enacted			1988 Base			1988 Estimate			Increase/Decrease		
	Est	MTY	Am.	Est	MTY	Am.	Est	MTY	Am.	Est	MTY	Am.
Public Programs												
Federal Appellate Activity	3	3	8349	3	3	8349	3	3	8349	3	3	8349
Termination and Prevention of Private Civil Behavior	48	48	4,798	48	48	4,798	48	48	4,798	48	48	4,798
Preservation of Competitive Market Structure	88	84	8,888	88	84	8,888	88	84	8,888	88	84	8,888
Policy Analysis, Legislation and Training	11	11	1,222	11	11	1,222	11	11	1,222	11	11	1,222
Investigative and Policy Program	16	16	1,628	16	16	1,628	16	16	1,628	16	16	1,628
Management and Administration	11	11	1,628	11	11	1,628	11	11	1,628	11	11	1,628
Subtotal, Direct Authority	188	184	17,442	188	184	17,442	188	184	17,442	188	184	17,442
Indirect Authority												
Federal Appellate Activity	10	8	1,178	11	10	1,578	11	10	1,578	11	10	1,578
Termination and Prevention of Private Civil Behavior	140	130	14,073	140	144	14,000	142	151	16,377	13 7	1 177	1,177
Preservation of Competitive Market Structure	290	281	28,107	290	288	28,082	290	294	29,732	80	16	2,650
Policy Analysis, Legislation and Training	16	16	1,628	16	16	1,628	16	16	1,628	16	16	1,628
Investigative and Policy Program	16	16	1,628	16	16	1,628	16	16	1,628	16	16	1,628
Management and Administration	30	30	4,208	30	30	4,208	30	30	4,208	30	30	4,208
Subtotal, Indirect Authority	608	517	50,505	608	608	50,105	608	672	70,000	40	55	3,492
Total, New Budget Authority	897	671	78,447	796	794	68,000	796	798	87,442	40	55	3,492
Indirect Authority - Discretionary Civil												
Federal Appellate Activity	3	3	318	3	3	318	3	3	318	3	3	318
Termination and Prevention of Private Civil Behavior	27	27	4,395	27	27	4,395	27	27	4,395	27	27	4,395
Preservation of Competitive Market Structure	10	10	1,337	10	10	1,337	10	10	1,337	10	10	1,337
Policy Analysis, Legislation and Training	6	6	681	6	6	681	6	6	681	6	6	681
Investigative and Policy Program	11	11	1,311	11	11	1,311	11	11	1,311	11	11	1,311
Management and Administration	11	11	1,311	11	11	1,311	11	11	1,311	11	11	1,311
Total, Prior Year Carry Over Authority	144	140	14,000	144	140	14,000	144	140	14,000	144	140	14,000
Grand Budget Authority	891	811	92,447	891	811	82,000	891	838	97,442	40	55	3,492

ANTHONY DOMINICK
Subcommittee on
Antitrust and Consumer

Summary of Resources by Program
(Dollars in Thousands)

Activity/Program	1986 Appropriation as Enacted		1986 Actual		1987 Appropriation as Enacted		1988 Base		1988 Estimate		Increase/Decrease	
	Dis	MX	Dis	MX	Dis	MX	Dis	MX	Dis	MX	Dis	MX
Direct Authority												
Federal Appellate Activity	7	6	773		4	6	698		3	3	698	
Termination of Private Cartel Behavior	97	65	10,078		98	110	11,040		98	110	11,040	
Prevention of Competitive Market Structure	24	23	2,541		21	26	2,714		21	26	2,714	
Policy Analysis, Legislation and Training	12	11	1,412		10	12	1,282		10	12	1,282	
Competition Advocacy Program	25	24	2,428		22	22	2,213		22	22	2,213	
Management and Administration	185	189	17,808		143	177	15,473		185	189	17,808	
Subtotal, Direct Authority												
Federal Appellate Activity	1	1	88		1	1	150		1	1	150	
Termination of Private Cartel Behavior	11	11	1,158		8	10	1,287		11	14	1,278	
Prevention of Competitive Market Structure	422	416	45,286		304	378	49,053		422	444	46,889	
Policy Analysis, Legislation and Training	7	7	815		7	8	1,010		7	8	1,010	
Competition Advocacy Program	1	1	141		1	1	158		1	1	158	
Management and Administration	7	7	782		6	6	775		7	7	782	
Subtotal, Indirect Authority												
	459	443	48,823		324	402	52,148		459	478	50,188	
Total, New Budget Authority												
	615	602	85,714		497	679	70,813		794	798	87,446	
Indirect Authority - Prior Year Carried Over												
Federal Appellate Activity	7	6	758		4	5	880		7	6	758	
Termination of Private Cartel Behavior	101	97	10,577		61	61	10,483		101	97	10,577	
Prevention of Competitive Market Structure	8	8	881		8	8	900		8	8	881	
Policy Analysis, Legislation and Training	15	15	2,758		10	11	1,231		15	15	1,687	
Competition Advocacy Program	17	17	1,750		17	17	1,750		17	17	1,750	
Management and Administration	27	27	3,022		19	20	2,481		27	27	3,022	
Total, Prior Year Carry Over Authority												
	181	178	19,386		128	146	15,273		181	177	18,693	
Gross Budget Authority												
	796	778	85,074		625	725	86,086		975	975	106,139	
Other resources - Overseas/Other												
Direct Authority	2				2				2			
Indirect Authority	11				11				11			
Total Comparable Workyears												
	791				634				984			

APPELLATE DIVISION
JUDICIAL BRANCH
JUDICIAL BRANCH

Federal Appellate Activity

Federal Appellate Activity

I. Base Program Description	13
II. Accomplishments	13
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B. Courts of Appeal	

AMERICAN OVERSIGHT
Public and Business

Justification of Program and Performance
(Dollars in Thousands)

Federal Appellate Activity

Federal Appellate Activity	1987 Appropriation			1988 Base			1988 Estimate			Increase/Decrease		
	Perm. Pos.	Workyear	Amount (000)	Perm. Pos.	Workyear	Amount (000)	Perm. Pos.	Workyear	Amount (000)	Perm. Pos.	Workyear	Amount (000)
Direct	10	0	6,540	0	0	0	0	0	0	0	0	0
Indirect	0	0	1,178	0	0	1,278	0	0	1,278	0	0	0
Carryover	0	0	0	0	0	0	0	0	0	0	0	0
Total	10	0	7,718	0	0	1,278	0	0	1,278	0	0	0

I. BASIC PROGRAM DESCRIPTIONS

To provide effective representation, the Division:

- prepares briefs in appellate cases before the Supreme Court as authorized by the Solicitor General;
- represents the interests of the United States in the courts of appeals in all civil and criminal cases brought by the United States under the Federal appellate laws;
- reviews challenged decisions of the Federal Communications Commission, the Federal Maritime Commission and the Nuclear Regulatory Commission, and prepares an appeal position for the United States and
- prepares and files appellate briefs in the courts of appeals and the Supreme Court in selected private appellate cases. The Division's responsibility for appeals from decisions by district courts is limited cases and for participation in appellate review is defined by 28 U.S.C. § 1254, 42 U.S.C. § 4354, and 49 U.S.C. § 1604. Authority to represent the United States in proceedings to review orders of the Nuclear Regulatory Board, Federal Communications Commission, Federal Maritime Commission and the Nuclear Regulatory Commission is contained in 28 U.S.C. § 2341-2350.

The Federal Appellate activity has been reviewed totaling 18 positions (including 10 attorneys), 14 workyears, and \$1,000,000.

II. ACCOUNTS RESPONSIBILITY

A. BUDGETARY CHARGES

- In the Supreme Court, the Division filed four briefs in 1986, including one appellate brief. The Division filed three appellate briefs with the Court in 1986. For example:
- After the Division filed an appellate brief opposing certiorari in *James Incorporated v. Tarrant Medical Foundation, Inc.*, No. 85-1274, the parties settled their dispute and the petition was voluntarily dismissed.
- In *Quilley Company v. Jackson Drilling Co., Inc.*, 63 U.S.L.W. 4227 (decided March 26, 1986), the Division, joined by the Civil Division, successfully argued that a color map solely of the Lumber's Act requirements for trademark protection.

**ANTITRUST DIVISION
CUMULATIVE CASE FILED**

Antitrust Division Cases In the Supreme Court	1983		1984		1985		1986		1987		1988		1989		1990		Estimate	
	Pending	Filed	Pending	Filed	Pending	Filed	Pending	Filed	Pending	Filed	Pending	Filed	Pending	Filed	Pending	Filed	Pending	Filed
Pending	2	0	4	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Filed	4	1	5	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Won	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Lost	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Dismissed	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Note: Why/Loss rates for our years are not predicted.																		

B. Counts of Appeals

Major results: In 1988, the Division won all 13 of the cases decided by the courts of appeals. Prior to that, in 1986, the Division won 8 of the 11 cases decided by the courts of appeal. The most significant decisions include:

- **United States v. Microsoft**: The appeal was argued on April 24, 1988, before a panel of the U.S. Court of Appeals for the District of Columbia Circuit consisting of Chief Judge Edwards and Circuit Judges Silberman and Buckley. The question on appeal was whether District Court Judge Shirley Sporkin erred in refusing to enter the consent decree negotiated by the United States and Microsoft in July 1984. The Division contended that the District Court exceeded its authority under the Tunney Act, 15 U.S.C. (1601-1606), by considering the government's decision not to bring or remedy a different antitrust case and by imposing a consent decree on the government. The court affirmed the District Court's decision and remanded the case to the District Court for further proceedings. On June 15, 1988, the District of Columbia Court of Appeals affirmed the District Court's decision and remanded the case to the District Court for further proceedings. On August 21, 1988, U.S. District Court Judge Thomas Penfield Jackson entered the decree, giving effect to a decree that required Microsoft to provide information to the government regarding its software development process.
- **United States v. Hinder Oil Co., Inc. of Chesapeake, Texas**, 51 F.3d 1296 (9th Cir. 1995). The court first affirmed the defendant's conditions for fixing gasoline prices. Agreeing with our interpretation of the Sherman Act, the court then reversed the sentences imposed and remanded the case for resentencing. The court held that the volume of commerce attributable to a particular defendant consisted of price-fixing includes all sales of the specific types of goods or services which were made by the defendant or his principal during the period of the conspiracy, without regard to whether individual sales were made at the target price.

Antitrust Division Cases In the Courts of Appeal	1983		1984		1985		1986		1987		1988		1989		Estimate	
	Pending	Filed	Pending	Filed	Pending	Filed	Pending	Filed	Pending	Filed	Pending	Filed	Pending	Filed	Pending	Filed
Pending	7	4	13	16	16	16	16	16	16	16	16	16	16	16	16	16
Filed	10	20	17	22	22	22	22	22	22	22	22	22	22	22	22	22
Won	11	8	9	9	9	9	9	9	9	9	9	9	9	9	9	9
Lost	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Dismissed	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Note: Why/Loss rates for our years are not predicted.																

The Division filed antitrust suits in four significant courts of appeals during 1988 and filed six antitrust suits in 1989. These include:

- In **Florida Municipal Police Ass'n v. Florida State and Local Police Ass'n**, No. 94-2220 (11th Cir.), the Division successfully argued that the fixed rate doctrine does not bar an antitrust damage claim when there is no fixed rate.

**ANTITRUST DIVISION
Policies and Procedures**

- In *Ballantyne, Inc. v. West Laboratories, Inc.*, No. 85-102 (10th Cir.), the Division unsuccessfully argued that a contract between a customer and the seller in an alleged tying scheme can be a "contract" in restraint of trade or commerce that is banned under Section 1 of the Sherman Act. The Division recently filed an *Amicus* brief in support of a suggestion for rehearing *en banc* in this case.
- In *Columbia Steel Casting Co., Inc. v. Portland Cement Electric Company*, Nos. 83-35602, 83-35603 (9th Cir.), the Division filed an *Amicus* brief in support of a petition for writ of habeas corpus in which it argued that the court of appeals had applied the wrong standard in determining the scope of immunity from the antitrust laws for private parties under the state action doctrine.
- The Division has also filed *amicus* briefs in *Blue Cross and Blue Shield United of Wisconsin, et al. v. Manifold Clinic, Inc.*, No. 85-1084 (7th Cir.); *William D. Erwin, M.D. v. Harbor Community Hospital, Inc.*, No. 85-2134 (11th Cir.); *Kosium Electronics, Inc. v. A.R. Consumer Products, Inc.*, No. 84-2084 (11th Cir.); and *Motor Corp. Ltd. v. William Greengard Services, Inc.*, No. 85-7068 (3d Cir.).

Termination and Prevention of Private Cartel Behavior

Termination and Prevention of Private Cartel Behavior

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**ANTITRUST DIVISION
FEDERAL TRADE COMMISSION**

Termination and Prevention of Private Cartel Behavior

Termination and Prevention of Private Cartel Behavior	1997 Appropriation Estimated			1998 Base			1998 Estimate			Increase/Decrease		
	Perm. Pos	Workyear	Amount (\$000)	Perm. Pos	Workyear	Amount (\$000)	Perm. Pos	Workyear	Amount (\$000)	Perm. Pos	Workyear	Amount (\$000)
Direct	43	40	\$4,788	43	40	\$4,788	43	40	\$4,788	-	-	\$-
Indirect	140	136	18,073	140	144	18,030	162	151	19,207	13	7	1,177
Carryover	37	37	4,268	36	36	4,225	36	36	4,225	-	-	\$-
Total	219	212	25,225	219	212	25,051	232	219	28,798	13	7	1,177

1. BASE PROGRAM DESCRIPTION:

The purpose of the program is to deter private cartel behavior by investigating and challenging violations of Section 1 of the Sherman Act. A wide range of investigative techniques is used to detect violations and to identify and prosecute violators. The program is designed to be a long-term effort to prevent and deter private cartels. The program is designed to be a long-term effort to prevent and deter private cartels. The program is designed to be a long-term effort to prevent and deter private cartels.

The Sherman Act is both a civil and a criminal statute. Historically, the Division has proceeded by criminal investigation and prosecution in cases involving civil antitrust violations, for example, price fixing, bid rigging, and horizontal customer and territorial allocations. If evidence of a criminal violation is significant, a grand jury may be empowered to investigate immediately. In certain situations, however, the conduct may appear to be a civil violation of law, but civil rather than criminal prosecution may be appropriate. In addition, other conduct proscribed by Section 1 of the Sherman Act is analyzed under the rule of reason and is proscribed only, not criminally. In such cases, civil compulsory process is used to investigate the alleged violation. Both criminal and civil compulsory processes are available to the detection of antitrust violations.

The Division's vigorous prosecution of private horizontal restraints is essential. Cartel behavior has no redeeming economic virtues. Agreements among competitors entered into for the purpose of artificially restricting output and raising prices do not yield organizational efficiencies or economies of scale; they simply rob consumers. State and local law enforcement efforts, while contributing to the prevention of locally-oriented cartel behavior, cannot cope with the complex interstate and international nature of conspiracies investigated and prosecuted by the Division. Moreover, many states lack effective criminal sanctions essential to deterrence of such conduct.

The Termination and Prevention of Private Cartel Behavior activity has base resources totaling 219 positions (including 100 attorneys), 212 workyears, and \$25,051,000.

2. ACCOMPLISHMENTS AND ONGOING INITIATIVES

A. CRIMINAL ENFORCEMENT

Criminal enforcement of the antitrust laws against related restraints of trade has been and continues to be one of the Division's core enforcement areas. We have increasingly focused our resources upon the investigation and prosecution of criminal antitrust violations. Criminal antitrust violations are offenses that are punishable by imprisonment and/or fines. Criminal antitrust violations are offenses that are punishable by imprisonment and/or fines. Criminal antitrust violations are offenses that are punishable by imprisonment and/or fines.

ANTITRUST DIVISION Activities and Expenses

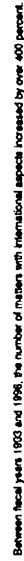
The Division's criminal enforcement program has remained vigorous and is being pursued diligently by the Division through its ongoing Quality Criminal Cases Initiative in which outreach efforts are made with Federal and State prosecutors as well as in the Division's continued efforts to identify and prosecute criminal violations of the antitrust laws. In 1997, the Division filed 42 criminal cases against 41 corporations and 22 individuals, with fines of over \$26.8 million in criminal fines imposed on defendants. In the first four months of 1997, \$11.3 million in criminal fines have been imposed on 10 corporations and 5 individuals. Total criminal fines assessed in 1997 are projected to be the first time the Division has assessed more than \$24.5 million in criminal fines. The Division's criminal enforcement program has remained vigorous and is being pursued diligently by the Division through its ongoing Quality Criminal Cases Initiative in which outreach efforts are made with Federal and State prosecutors as well as in the Division's continued efforts to identify and prosecute criminal violations of the antitrust laws. In 1997, the Division filed 42 criminal cases against 41 corporations and 22 individuals, with fines of over \$26.8 million in criminal fines imposed on defendants. In the first four months of 1997, \$11.3 million in criminal fines have been imposed on 10 corporations and 5 individuals. Total criminal fines assessed in 1997 are projected to be the first time the Division has assessed more than \$24.5 million in criminal fines. The Division's criminal enforcement program has remained vigorous and is being pursued diligently by the Division through its ongoing Quality Criminal Cases Initiative in which outreach efforts are made with Federal and State prosecutors as well as in the Division's continued efforts to identify and prosecute criminal violations of the antitrust laws. In 1997, the Division filed 42 criminal cases against 41 corporations and 22 individuals, with fines of over \$26.8 million in criminal fines imposed on defendants. In the first four months of 1997, \$11.3 million in criminal fines have been imposed on 10 corporations and 5 individuals. Total criminal fines assessed in 1997 are projected to be the first time the Division has assessed more than \$24.5 million in criminal fines.

Several corporations have been sentenced following conviction of criminally violating the Sherman Act or agreed to a fine in connection with a plea of guilty:

- On January 26, 1997, a New Jersey-based subsidiary of the German pharmaceutical giant Bayer pled guilty and agreed to pay a \$10 million fine. The second largest criminal justice fine ever for a pharmaceutical company was assessed against Bayer for its role in a worldwide conspiracy to fix prices to allocate sales in the yin and yang markets worldwide. Previously, on August 27, two Japanese companies and the U.S. subsidiary of a South Korean company, and three of their executives, admitted to conspiring to fix prices and allocate sales in the yin and yang markets worldwide. The defendants have agreed to pay more than \$20 million in fines. On December 3, three former top ADM executives and one Japanese executive were indicted for conspiring to fix prices and allocate sales in the yin and yang markets worldwide. The defendants have agreed to pay a \$1.25 million fine for its role in the conspiracy. Lytle, a \$600 million a year industry, is a food additive and preservative produced from various sugars. It is a \$1.2 billion a year industry and wine producers – paid millions more to buy the Lytle additive. Citic bid is a food additive and preservative produced from various sugars. It is a \$1.2 billion a year industry. Manufacturers of soft drinks, processed foods, detergents, pharmaceutical and cosmetic products, paid millions more to buy the Citic additive, which ultimately caused consumers to pay more for those products. The Division's food and food additive investigations continue.
- On September 6, 1995, Dyno Nobel, the world's second largest commercial explosives manufacturer, agreed to plead guilty to conspiring to fix the prices of commercial explosives and pay \$15 million – the largest fine ever imposed in a criminal justice matter under the Sherman Act. On August 22, another of the world's largest manufacturers of commercial explosives, ICI Explosives USA, Inc., headquartered in Texas, pled guilty and was sentenced to pay a \$10 million fine for conspiring to fix the prices of commercial explosives. On September 26, 1996, an Ohio company and its Indiana regional manager agreed to plead guilty and pay more than \$10 million in criminal fines for conspiring to fix the prices of commercial explosives. To date, these investigations have resulted in criminal fines of \$26 million. In the U.S., sales of commercial explosives amount to \$1 billion per year. Previously, on September 19, five Pennsylvania and one Ohio distributor of commercial explosives pled guilty and agreed to pay more than \$800,000 in criminal fines for conspiring to fix prices and rig bids in the sale of these goods. On March 6, a Delaware company agreed to plead guilty and pay \$850,000 in criminal fines for rigging bids on commercial explosive contracts sold to customers in Alaska.
- On August 26, 1996, a Michigan door manufacturer agreed to plead guilty and pay \$1.55 million fine that constitutes a 2½ year investigation of the home door industry. With this plea, total criminal fines of \$8.5 million will have been assessed as the result of the Antitrust Division's investigation of the \$600 million per year residential flat door industry.
- In a case which involved the first criminal justice prosecution of a Japanese corporation headquartered in Japan, Kawasaki Specialty Papers and Mitsubishi Corporation agreed to pay \$4.5 million and \$1.26 million in criminal fines for conspiring to fix prices on thermal fax paper sold in North America. To date, a total of \$10.7 million in fines have been imposed as a result of the Division's fax paper investigations, which are continuing.
- Miles, Inc. pled guilty to fixing the price of steel wool pads and agreed to pay a fine of \$4.5 million, a matter brought to our attention as the result of the Division's corporate amnesty program, highlighted in this section.
- Borden Inc. and its affiliate paid an aggregate of \$13.2 million in fines in connection with convictions for bid rigging in school milk contracts.
- The Stanley Works area fined \$5 million after a conviction of conspiring to fix prices on architectural hinges.
- On September 30, 1996, the Division filed criminal price-fixing charges against Mrs. Burt's Bees, the nation's largest privately-owned bakery, resulting from an investigation into alleged price fixing and bid rigging in the wholesale bread and bread products industry. On May 30, 1996, the U.S. District Court in Dallas imposed a fine of \$10 million and put the corporation on five years probation. This was the first time a court imposed a fine of \$10 million on a defendant in a criminal justice case.
- On January 23, 1997, a Long Island, New York display materials manufacturer and one of its former salesmen agreed to plead guilty to conspiring to defraud the FBI by concealing cash payments made to a Philip Morris Inc. purchasing agent in order to secure the company's business. On January 6, 1997, a former alcoholic beverages purchasing agent in Florida and Michigan pleaded guilty to conspiring to defraud the employees of about \$650,000 he received as kickbacks from suppliers of display materials used to advertise and promote products in retail stores. On October 28, 1996, a New York executive and two of his companies were indicted on seven counts of bid-rigging and tax fraud in relation to contracts for the supply of point-of-purchase display materials used to advertise and promote products in retail stores. To date, the investigation and prosecution of this case has resulted in the conviction of two individuals and the imposition of criminal fines of \$10 million and \$100,000. The Division is continuing its investigation of this case and has related offenses in the display industry. In addition, two individuals and four corporations are awaiting trial in New York on charges arising from the same investigation.

On January 26, 1997, a New Jersey-based subsidiary of the German pharmaceutical giant Bayer agreed to pay a \$50 million fine for conspiring to fix prices for the widely used blood additive citric acid. However, a federal judge in federal court in San Francisco ruled that the fine was too high because the company had not conspired to fix the price of the ingredient, which is used in soft drinks, processed foods and cosmetics. Hans Hertenstein, a senior associate at the German headquarters, was placed under house arrest for 150,000 DM (\$80,000) for his role in the investigation into illegal cartels and price-fixing in the food and feed additive industry that has resulted in \$170 million in criminal fines. The \$50 million fine is the second-highest globalized in corporate crime. Investigations into the lysine, citric acid, and high fructose corn syrup markets continue.

American competitiveness hinges on the establishment and maintenance of a fair and level playing field that provides for competition on the merits. With increased support provided by the Congress in the International Antitrust Enforcement Assistance Act, the Division is moving aggressively to ensure that businesses throughout the world who seek to compete in American markets are held to compliance with American law. The increasing globalization of economic activity accounts for some of the Division's increased workload and a concomitant increase in the complexity of the Division's investigations.

[illegible]

ANTITRUST DIVISION SOURCES AND FINDINGS

Ex Parte

The Division continues to pursue investigations related to the marketing of Macaroni. As part of the effort, United States authorities are continuing their joint investigation with Canadian authorities into the industry pursuant to the Mutual Legal Assistance Treaty (MLAT) between the two countries. At the same time, the Division is continuing its investigation into the industry's vertical integration. These investigations are ongoing, with recent proceedings including:

After a two-year coordinated effort between the United States and Canadian antitrust investigators, on July 14, 1984, the break up of a \$120 million a year international cartel in the fast paper market was achieved. (As called below, the matter is continuing based upon the initial success.) In that case, charges were filed in the United States against a Japanese corporation, two American subsidiaries of that corporation, and two Japanese individuals. The charges were filed in the United States against the Japanese corporation and its two subsidiaries, and in Canada against the two Japanese individuals. The case represented the first joint criminal antitrust prosecution with Canadian competition authorities.

Several additional examples of recent successes in the Division's fast paper market include: On September 28, 1983, two Japanese paper corporations, Mitsubishi Paper Mills Ltd. and Nippon Paper Co., charged Nippon Paper Co. Ltd. of Japan, Nippon Paper Industries Co. Ltd. also of Japan, and an executive of Mitsubishi Paper Mills Ltd. of Japan with price fixing in the thermal fast paper industry. This matter is on appeal, and oral arguments were held on January 8, 1987. On April 24, 1986, the Division obtained two indictments of three fast paper industry executives for price fixing in the industry (two Japanese executives of Nippon Paper Company and one Japanese executive of Mitsubishi Paper Mills). On April 26, 1986, the Division filed a criminal information charging Nippon Paper Company with participation in a 1981 conspiracy to increase the price of fast paper sold in the U.S. Nippon paid guilty to the charge and was fined \$225,000.

Discussions

Another matter that recently has not with successful prosecution involves disposable plastic disposables. Disposable plastic disposables is a \$100 million a year international industry. This investigation uncovered price fixing in that industry in the United States and has led to guilty pleas from three corporations and seven executives. The companies were fined \$8.1 million and the individuals received jail sentences ranging from eight to 21 months in prison. On June 28, 1986, a grand jury in Philadelphia charged the Arnold Corporation of Watertown, Massachusetts, Arnold's President, Depost O'Pradon, Inc., and Depost-O's president with price fixing. This is the fifth case to be filed in the government's ongoing investigation.

	1984	1985	1986	1987	1988	1989	1990
Grand Juries (pending at start of year)	133	96	84	79	79	6	64
Grand Juries with International Aspects	22	25	27	33	36	3	39
% of Grand Juries with International Aspects	16.6%	26.2%	32.1%	41.8%	45.8%	0%	48.4%

3. Estimates of Bid-Rigging and Price-Fixing

As clearly evidenced by criminal fines totaling over \$100 million and guilty pleas in 1987 by Archer Daniels Midland Company to charges of conspiracy in two international food and feed additive marketing (Betta and Archer Daniels Midland), the Division is continuing to investigate possible conspiracies in a food and feed additive market. (The Division also is investigating possible conspiracies in a food and feed additive market - high fructose corn syrup.) The Division's success in further evidence in other diverse markets, such as commercial explosives, with the guilty pleas of Dyno Nobel and ICI Explosives in September and August 1986, respectively, with combined assessed criminal fines of \$28 million against just these two companies. Other an investigation that begins with limited evidence involving a particular industry or geographic area will reveal through further investigation such areas of criminal conduct. High priority concentration, waste management, oil-drift, bottling, and steel and alloy pipes. In recent years, the Division has expanded its criminal investigations and prosecutions to include industries that typically have not been the subject of criminal antitrust activity, such as the health care industry, where there may have been a long-held sense that "medical professionals" are an exception. However, price fixing and/or bid rigging by white-collar professionals is no less damaging than similar violations by retail retailers, road builders or electrical contractors.

ANTITRUST DIVISION Initiatives and Successes

A significant area of activity has been the numerous investigations into bid rigging on contracts to supply dairy products to public institutions and private schools. To date, the Division has filed a total of 132 criminal cases in the dairy industry amounting to \$2.5 million in fines and \$4.5 million in civil damages. Total fines and civil damages amounted to \$68.0 million. New cases continue to be developed as the result of grand jury and investigatory actions.

4. Cooperation with Department of Defense -- "Training" Investigations

The Division has been assisting various branches of the Department of Defense to determine whether they have been receiving competitive bids on some of the most technologically advanced equipment used in the military. In the past, the Division has been successful in identifying bid rigging in the defense industry. For example, the Division has worked with the U.S. Army and U.S. Air Force in seeking competitive bids on specific munitions systems, whether the Army and Air Force should receive compensation and how much in the event they have been receiving non-competitive bids, and whether munitions need to be replaced to change munitions industry bidding practices. A success in this area was the settlement awarded under which Alantech Tech Systems Inc. and Alantech agreed to pay the Federal Government \$12 million in relation to their alleged bid rigging practices. Production of cluster bombs. The constant desire to achieve substantially all the objectives of the Army and the Division in ensuring the viability of competition in the cluster munitions industry; monetary relief and the Department of Defense's interest in the cluster munitions industry; and the Division's interest in the cluster munitions industry. The Division has been successful in identifying bid rigging in the defense industry and has been successful in identifying bid rigging in the defense industry and has been successful in identifying bid rigging in the defense industry.

Since early 1992, the Antitrust Division has been working with the Defense Fuel Supply Center (DFSC) to identify its staff to encourage them to call our attention to matters of antitrust concern. In the past, the Division has been successful in identifying bid rigging in the defense industry. For example, the Division has worked with the U.S. Army and U.S. Air Force in seeking competitive bids on specific munitions systems, whether the Army and Air Force should receive compensation and how much in the event they have been receiving non-competitive bids, and whether munitions need to be replaced to change munitions industry bidding practices. A success in this area was the settlement awarded under which Alantech Tech Systems Inc. and Alantech agreed to pay the Federal Government \$12 million in relation to their alleged bid rigging practices. Production of cluster bombs. The constant desire to achieve substantially all the objectives of the Army and the Division in ensuring the viability of competition in the cluster munitions industry; monetary relief and the Department of Defense's interest in the cluster munitions industry; and the Division's interest in the cluster munitions industry. The Division has been successful in identifying bid rigging in the defense industry and has been successful in identifying bid rigging in the defense industry.

These investigations and the activities described above are all part of a comprehensive program to identify and eliminate bid rigging in the defense industry. The Division has been successful in identifying bid rigging in the defense industry and has been successful in identifying bid rigging in the defense industry. For example, the Division has worked with the U.S. Army and U.S. Air Force in seeking competitive bids on specific munitions systems, whether the Army and Air Force should receive compensation and how much in the event they have been receiving non-competitive bids, and whether munitions need to be replaced to change munitions industry bidding practices. A success in this area was the settlement awarded under which Alantech Tech Systems Inc. and Alantech agreed to pay the Federal Government \$12 million in relation to their alleged bid rigging practices. Production of cluster bombs. The constant desire to achieve substantially all the objectives of the Army and the Division in ensuring the viability of competition in the cluster munitions industry; monetary relief and the Department of Defense's interest in the cluster munitions industry; and the Division's interest in the cluster munitions industry. The Division has been successful in identifying bid rigging in the defense industry and has been successful in identifying bid rigging in the defense industry.

Moreover, these cases must generally be prosecuted on a case-by-case basis, because of the desire to make a decision, if possible, before a contract is entered into in order to avoid damages to DOD. For example, one investigation involved a bid rigging case involving the purchase of a product, which means that developing information is more difficult than in other cases because there are no available third parties to provide information to help the investigation.

5. Cooperation with other agencies

The Division's Quality Criminal Cases Initiative is a multi-faceted program to educate other law enforcement agencies about the antitrust laws, to encourage them to refer possible cases to the Division, and to enhance communication and cooperation between and among agencies. As part of the initiative, the Division's Field Offices established liaison relationships with the FBI and U.S. Attorneys Offices in their jurisdiction over the past year. The initiative also has resulted in improved working relationships with the Criminal Division, the Civil Division's Fraud Section, Inspector General's Office at various Federal agencies, and the Department of Justice's Office of Inspector General. The Division has also been successful in identifying bid rigging in the defense industry and has been successful in identifying bid rigging in the defense industry. For example, the Division has worked with the U.S. Army and U.S. Air Force in seeking competitive bids on specific munitions systems, whether the Army and Air Force should receive compensation and how much in the event they have been receiving non-competitive bids, and whether munitions need to be replaced to change munitions industry bidding practices. A success in this area was the settlement awarded under which Alantech Tech Systems Inc. and Alantech agreed to pay the Federal Government \$12 million in relation to their alleged bid rigging practices. Production of cluster bombs. The constant desire to achieve substantially all the objectives of the Army and the Division in ensuring the viability of competition in the cluster munitions industry; monetary relief and the Department of Defense's interest in the cluster munitions industry; and the Division's interest in the cluster munitions industry. The Division has been successful in identifying bid rigging in the defense industry and has been successful in identifying bid rigging in the defense industry.

o In 1992 and 1993, the Antitrust Division filed a total of 102 criminal cases. The FBI assisted Division attorneys with the investigation and prosecution of 75 percent of these cases. Additionally, the FBI is assisting the Division in approximately 75 percent of its current, ongoing grand jury investigations.

o The Division's Federal and state procurement initiatives provide training and other assistance to Federal, state and local procurement officials. FBI agents and Assistant United States Attorneys on how to detect, report, and investigate suspected anticompetitive contracting activities. The program has been well received by Federal investigation agencies, state attorneys general, and procurement officials. These cooperative efforts have been invaluable in cases such as our school and military milk contract bid rigging.

ANTITRUST DIVISION POLYPROPYLENE BAG CONTRACTS

- o The Division's continuing investigations, with assistance from the U.S. Department of Agriculture's Inspector General, into bid rigging and related violations in polypropylene bag contracts resulted on September 25, 1995, in charges against the Fulton-Quinn Company with "relaxing the USDA while bidding on contracts to supply bags to ship grain to needy countries. The company was charged with conspiring to submit false certificates of product origin on bids for polypropylene bag contracts.
- o The Division and the attorney general of several states have examined bid rigging in school and military milk contracts in the United States. These investigations have resulted in the filing of 132 criminal cases against 79 corporations and 84 individuals. Five milk grand jury investigations are now active in four states.
- o The filing of two criminal cases in the forestry industry is in part the result of excellent work by the Department of Agriculture Inspector General's Office in securing a search warrant and in assisting throughout the investigation in gathering information and evidence.

B. CIVIL ENFORCEMENT

Support of the Antitrust Division's non-merger civil enforcement program as pursued under Section 1 of the Sherman Act is a priority. The perception and reality among consumers and entrepreneurs that the antitrust laws will be enforced fully and fairly is critical to the economic freedom of all Americans. Vigorous competition is also critical to ensure the rapid innovation that generates continued advances in our standard of living and our competitiveness in world markets.

The Division has filed a number of major civil enforcement actions, and has undertaken a very large number of new civil investigations. In 1995, for example, the Division filed 15 consent decrees (the largest number in 15 years) to stop anti-competitive practices through civil remedies. In 1994, the Division filed 12 consent decrees and four 7A decrees for a total of 16, excluding mergers. The resource requirements necessary to sustain this effort are great. More staffs are desperately needed to handle additional additional antitrust litigation from the 1990s.

1. "Zink-Zink" industries

Technology is rapidly changing, and new markets are emerging almost daily. It is critical that the Antitrust Division have the resources with which to keep up with the change and operate responsibly to ensure that competition in the market is protected and there is maximum opportunity for new entry. Markets must remain free to innovate and work cooperatively within the law to advance technological change. The Division has several ongoing investigations of possible anticompetitive conduct in high-technology industries. These investigations require the legal and economic staffs to acquire specialized expertise and on occasion require assistance from outside consultants and experts. Effective antitrust enforcement in this area is essential to the nation's continued world leadership, as it ensures that markets remain open to technological advances.

In addition to the ongoing investigations, the Division recently settled a case with IBM, U.S.S. IBM - A motion was made to terminate the January 25, 1994, IBM consent decree. On July 2, 1994, the parties reached an agreement in settlement of the remainder of IBM's Motion to Terminate. Generally, the decree applied to the operation of IBM's computer services business and the sale, leasing and maintenance of all IBM's computers, including personal computers, workstation computers, midrange computers, and mainframe computers. Public comments on the proposed settlement were accepted through October 14, 1994. On November 15, 1994, the Division filed a joint motion to modify the IBM consent decree. A decision on the proposed settlement, which is the violation of the Division's provisions, is expected by the end of the year 2001, is outstanding.

2. Securities

In 1995 the Division and the SEC announced that Bearstern Management Company, Inc. and Cramer Corporation, two of the country's leading investment fund managers, agreed to pay \$25 million in settlements and securities charges. This was in addition to the just announced SEC settlement with Solomon Brothers, Inc. in 1992 that resulted in a \$200 million settlement. The Division is reaching similarly for additional violations.

After conducting a major investigation of practices on the NASDAQ exchange involving a number of leading Wall Street firms, on July 17, 1994, the Division filed a civil lawsuit and settlement in the U.S. District Court in New York City. The lawsuit alleged that several leading Wall Street firms, including Bearstern Management Company, Inc. and Cramer Corporation, had conspired to manipulate the market for NASDAQ-listed securities, which buy and sell stocks in the leading public, were charged with manipulating competition on Nasdaq by buying the "pennies" (the difference between price questions for buying and selling stocks) on certain stocks artificially wide, and thus improving their profits while raising investors' transaction costs. Some of Nasdaq's most frequently traded stocks were affected. The Division found that traders entered the trading convention by placing, hearing telephone calls to those who posted odd eight quotes, by trading around or refusing to deal with violations of the convention, and by other manipulative actions. The proposed settlement prohibits market makers from agreeing with each other to adhere to the quoting convention or from agreeing to fix, raise, lower, or maintain prices or quotes for Nasdaq-listed securities. The proposed settlement also requires the firms to sign and review a combined total of approximately 40,000 hours of trader conversations annually. The proposed settlement also allows representatives of the Antitrust Division, without prearrangement, to appear at the firm's office to listen in on trader conversations as the act occurs. Violation of the order subjects the

ANTITRUST DIVISION SOURCES AND EXPOSURE

market relations is published by old editor critical coverage as appropriate. The Division has designated an attorney to serve as the Division's principal Nadeau compliance officer and has established a telephone hotline to receive complaints about Nadeau or any other subject. The Judge for this case has recently requested additional briefing on one provision of the decree, and oral argument is scheduled for January, 1987.

3. Communications/Media

On February 8, 1986, the President signed into law the Telecommunications Act of 1996. The telecommunications sector has required considerable attention by the Division in the past as part of the enforcement and administration of the ATAT decree. With the new 1996 Act, both the Division's merger and civil non-merger workload in the telecommunications area is increasing. The new Act is fostering a number of new arrangements and alliances between telecommunications companies, such as the announced plans of BellSouth, Pacific Telesis and SBC to jointly purchase long distance services and decisions between long distance providers, AT&T and Sprint, to jointly purchase local telephone services. The new Act also encourages the formation of new alliances between telecommunications companies and other industries. The Division is currently reviewing the impact of the new Act on the ATAT decree and is working to ensure that the Division's enforcement efforts are not in the public interest. The impact of these new arrangements and alliances on the ATAT decree is being monitored closely by the Division and will be a major focus of the Division's enforcement efforts in the future.

Several matters currently are being investigated as possible violations of Section 1 of the Sherman Act. For example, the Division is looking at five major music companies that are forming a series of joint ventures to distribute music. The Division is also looking at a proposed joint venture between the Sony Corporation of Japan, Thorn EMI of Britain, Program Holding N.V. of the Netherlands and Bertelsmann Music Group of Germany. Together, the five music recording businesses. With their combined revenues of nearly \$9 billion, they have about 80 percent of the \$11 billion recording market world wide. Time Warner Music alone has sales of \$3.3 billion. Substantial resources are required with which to pursue the investigation which serves as only one example of what will be necessary as the television and entertainment industry changes in response to market pressures.

The Division recently made its first challenge to the use of a joint sales agreement ("JSA") between two firms in the radio industry. Under the JSA, one of the firm's radio stations priced and sold all radio advertising time for one of the second firm's radio stations, while the second firm's station paid a monthly lump sum, in return. The JSA thus gave one firm's station complete control over the sale of the inventory of the other competitor -- the second firm's station -- without integrating the management of operations of the two stations. The Division believes that such an agreement, which eliminated independent pricing, was anticompetitive and without any redeeming procompetitive effects. As part of this investigation, the Division is looking at the impact of the JSA on the radio station owner, termination of the JSA was required and has recently been effected. The Division is looking at the practice of a number of in-state and out-of-state radio stations and anticipates additional workloads related to JSA's.

On February 8, 1986, the Division filed an antitrust suit and proposed consent decree in U.S. District Court for Corpus Christi, Texas, against three Corpus Christi broadcast television network affiliates. The complaint alleged that the three broadcasters unlawfully agreed to practices that increased the cost to cable television operators for the right to transmit the broadcasts, programming the proposed consent decree would remedy. The Division is currently reviewing the impact of the proposed consent decree on the ATAT decree and is working to ensure that the Division's enforcement efforts are not in the public interest. The impact of these new arrangements and alliances on the ATAT decree is being monitored closely by the Division and will be a major focus of the Division's enforcement efforts in the future.

4. Health Care

A major concern of the Division is investigating suspected antitrust law violations by companies in the health care industry. Recent cases and investigations have involved a wide variety of health care matters affecting all 50 states. The Division presently is investigating a significant number of cases involving health care providers, many focusing on exclusionary conduct by competing doctors and hospitals to eliminate competition from managed care plans. The type of investigation is expected to increase as health care providers are placed under closer scrutiny by consumers and consumer organizations. The Division also devoted significant resources to informing affected businesses in the health care sector about the Division's enforcement policies. Of particular importance is the Division's investigation of the proposed joint venture between the two largest health care providers in the United States, the Kaiser Permanente Health Plan and the University of California Health Plan. The Division is currently reviewing the impact of the proposed joint venture on the ATAT decree and is working to ensure that the Division's enforcement efforts are not in the public interest. The impact of these new arrangements and alliances on the ATAT decree is being monitored closely by the Division and will be a major focus of the Division's enforcement efforts in the future.

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In addition to the many on-going investigations not yet public, health care accomplishments include

- (a) Danbury, Connecticut Hospital and Providence Capital. The Division, with the Connecticut Attorney General's Office, challenged antitrust violations by Danbury Hospital, the Danbury Area IPA (a physician organization) and Healthcare Partners, Inc. (a physician hospital organization) formed and owned by the hospital and the IPA. Danbury Hospital is the only hospital in the Danbury, Connecticut area, and

ANTITRUST DIVISION EXPENSE CASES SUMMARY

American business community and American consumers. The investigation and settlement of the Airline Tariff Publishing Company (ATP) demonstrates the amount of negative effort that can be required. The amount of effort is not unusual for a large antitrust investigation. For example:

In *United States v. Airline Tariff Publishing Company et al.* (D.D.C.), the Government contended that the eight largest U.S. airlines (American, United, Delta, Northwest, USAir, Continental, TWA, and Alaska) conspired to restrain trade and fix rates of return on investment. The case was settled in 1992. The settlement was estimated at more than \$1 billion between 1988 and 1992. The case, as with others that produce major economic impact, required a major economic impact. A failure to commit the necessary resources produced investigations, creative inefficiencies, and deprived consumers and businesses of prompt relief from anticompetitive practices. As a result, the economic benefits of full staffing of these antitrust cases far exceed the modest budgeting costs required.

The investigation that led to this important case and settlement began over 3 years before the complaint was filed, and almost 4 1/2 years before the case was finally settled. The delay was attributable almost entirely to inadequate staffing. Four lawyers, who worked on the matter on a part time basis, were responsible for

- Reviewing 700,000 pages of documents produced by the Airlines;

- Reviewing 200,000 pages of documents produced by third parties;

- Conducting 52 lengthy interviews;

- Conducting 44 depositions; and

- Sorting and reviewing hundreds of thousands of airline fare records.

Not until the complaint was filed was the staff increased to 7 full-time attorneys. Two full-time and several part-time economists, along with 3 research assistants, and 3 paralegals also worked on the case. However, staffing was only dedicated to this case as the result of a major shift from other investigations, including *United States v. Microsoft*.

The enlarged staff made it possible to prepare the case for trial. Among other things, the preparation required a 640 page response to defendants' initial interrogatories and request for admissions, the review of another 300 boxes of documents submitted by defendants, and the serving of 2700 interrogatories and 640 requests for admissions on the several defendants.

In all 22,000 hours of attorney time, 8,750 hours of economist time, and 8,000 hours of paralegal time were devoted to this massive and complex case. Had the case ultimately not been so well prepared, and that had not settled, additional months of trial time would have been required. On the other hand, had adequately more resources been available to devote to this case, it could have been brought and settled much more quickly, and the 4 1/2 years that transpired, all to the benefit of consumers, and the more efficient use of the government's resources.

7. Other On-going Civil Antitrust Investigations with Broad Consumer Impact

The Division has filed a number of major civil enforcement actions, and has undertaken a very large number of new civil investigations. In order to move these cases rapidly and address new matters being discovered, it is necessary to enhance Division staffing.

Microsoft Corporation -- The Division is investigating a number of issues related to several aspects of Microsoft's business.

General Electric Licensing -- On August 1, 1998, the Division filed a civil lawsuit in the U.S. District Court in Montana, alleging that restrictions in the licensing contracts GE has negotiated for use of software in its industrial machinery have restrained trade and fixed prices. GE has been accused of using its market power to force licensees to use GE software. For example, GE has been accused of requiring licensees to use GE software for its industrial machinery, even though the GE software had no applicability to the other brand of industrial equipment. GE filed a Motion to Dismiss on October 1, 1998. The Motion has been fully briefed and oral argument is scheduled for February 14, 1999.

CRS -- American Airlines, owner of Sabre, the largest computerized airline reservation system (CRS) in the U.S., has complained that it is being unfairly excluded from certain European countries by Amadeus, a French-owned airline reservation system. Amadeus has been accused of using its market power to prevent American Airlines from competing in Europe. American Airlines has been unable to penetrate these markets because the airlines that own Amadeus will not provide Sabre with complete flight data and selling capability for their flights.

ANTITRUST DIVISION Activities and Expenses

Real Estate Holdings - The Division investigated allegations that the two largest real estate holding companies in the nation, Vitco Management, Inc. and Branning-Evans Industries, Inc., were selling long-term contracts and proposed consent decrees which imposed a large market share on the other (or both) of the companies. On February 15, 1988, the Division filed complaints and proposed consent decrees which imposed a large market share on the other (or both) of the companies. The consent decrees in both cases were entered on May 22, 1988.

Real Estate Holdings - This involves a complex vertical restraint investigation of Vitco, which manufactures approximately 70% of the demand sold in the U.S. The Division is investigating whether Vitco's marketing and distribution contracts with its independent distributors to exclude a new entrant into the U.S. market, in violation of section 1 and/or 2 of the Sherman Act. A recommendation is expected shortly.

Online Legal Research Services - The Division is investigating alleged anticompetitive conduct in the computer assisted legal research market by West Publishing Company. The Division is recommending remedial provisions to the American Association of Law Libraries and, more recently, the American Bar Association, to develop a uniform public domain citation standard. The Division has also recommended that the Department publicly endorse creation of electronic bulletin boards for each federal and state court through which all publishers and the general public may access new opinions and any subsequent corrections simultaneously. Finally, the Division is participating as *amicus* in private cases concerning the protection of page numbers in standard case reports.

Stimwell, Oklahoma's Utility Services Provider - On April 25, 1988, the Antitrust Division filed a suit in the Eastern District of Oklahoma challenging the electric sales practices of the City of Stimwell, Oklahoma. The complaint alleged that Stimwell refuses to provide water and sewer services to residents unless they also buy their electric service from the city. This "all-or-none" utility policy deprives consumers of their right to choose among competing electric suppliers, denying consumers the benefits of price and service competition. The complaint seeks to enjoin permanently the practice, which had been suspended, although not formally rescinded, after initiation of our investigation. The case is in litigation.

American Bar Association Dispute - The Division filed a civil lawsuit and settlement in U.S. District Court in Washington, D.C. alleging that the American Bar Association had used its power as the law school accrediting agency to advance law faculties' economic interests and working conditions. The proposed settlement prohibits the ABA from using faculty salaries, refusing to accredit schools simply because they are for-profit, and refusing to allow ABA-approved law schools to accept credits for schools simply because they are state-sponsored. More importantly, it also opens the ABA accreditation process to scrutiny from the public and from within the ABA, to guard against members of the public or faculty from being unfairly treated by the ABA. The suit is currently in litigation. The Division is also participating as *amicus* in a federal public hearing, the Judge entered the proposed consent judgment. Amicus MSB, sought injunctive relief for deposit purposes, the suit denied, and MSB, has since appealed. No action has been taken on that appeal. MSB's own case has since been thrown out. The Division filed an *amicus* brief, and oral argument was heard on December 10, 1988.

Louisiana Title Investigations - On June 28, 1988, the Division filed a civil suit against American National Gas Company (ANG) and (ANG) Machine AG (MAG), the leading producers of longpipe tubes and the settlement used to make these tubes. The suit is to break up their exclusive agreement not to compete with each other for business in North America. The Division filed a proposed consent decree with the suit that would settle the suit by terminating the agreement between the two companies and allowing MAG, a Swiss firm, to re-enter the North American market.

VISA/MasterCard Investigations - The Division is investigating whether rules adopted by VISA and MasterCard that prohibit their member banks in the U.S. from issuing credit cards to competitors, credit card holders, and credit card issuers, are anticompetitive. The Division is also investigating whether the rules of VISA and MasterCard member banks to the detriment of consumers, and whether they diminish the ability of American Express and Discover to remain vigorous competitors of the VISA and MasterCard networks.

RECOMMENDED INCREASE:

An increase of 13 positions (includes seven attorneys), seven workyears and \$1,177,000 is requested as a workload-related program adjustment for the Termination and Preservation of Program in 1988.

THE REQUESTED INCREASE IS NEEDED BASED ON THE FOLLOWING:

- o Critical workload under the Cartel Program is becoming more intensive. Current and projected investigations continue at a high level in federal procurement matters. We are receiving new allegations at an increasing rate as a result of the Division's corporate and individual amnesty policies. Referrals from U.S. Attorney offices and the FBI are increasing as a result of the Division's Quality Criminal Cases Initiative.
- o Civil workload under the Division Cartel Program in 1988 and 1989 has increased and is expected to continue to do so for years to come, particularly in areas such as monopolization, other large cases, similar to the ATTP investigation involving collusion, and those involving national and international business conduct.
- o The criminal and civil matters that are being pursued under the Cartel Program are more complex, involving a wider range of investigative issues, including international discovery and changes in statutes and regulatory structure. Additionally, the record in matters being investigated is much larger and more detailed. The current load and need for additional investigation is typical of this trend. It is international in scope, involves important issues and products and is highly publicized. Approximately half of the Division's ongoing international investigations involve criminal matters.

NOISE AND VIBRATION

- The number of criminal antitrust cases involving international issues, which require more discovery, analytics and more effort, is increasing. Between 1994 and 1995, the number of criminal antitrust cases involving international issues increased substantially, with additional resources required through 1998. Because of our increased emphasis on cases with major national and international implications and the increasing size and complexity of these matters, the Division will require additional staffing in 1998. The criminal cases filed in 1995, 1996, and to date in 1997 are against foreign companies. Increasingly, however, international implications, and involve more overall dollars of commerce than ever before, with more resulting in higher fines and international impact per dollar of Division expenditure. The Division has 83 grand jury cases currently ongoing. Almost all deal with major price fixing or bid rigging. Over 40 percent of the cases are national and international investigations involving dozens of dollars of commerce.
- The Antitrust Division is conducting simultaneous probes of several business entities that have the ability to set prices and restrict markets. Prime targets for scrutiny are price fixing cartels that operate around the world and in connection with U.S. companies. The Division is conducting about half a dozen separate investigations of suspected overseas price fixing and market allocation in highly concentrated industries. We suspect substantial abuse is occurring where there is a worldwide market and a small number of producers, but the differences between price fixing and market allocation are not always clear. One case involves the U.S. steel industry, which has been the subject of substantial federal and state investigations for decades. Other potential benefits to American companies and to world markets are significant and increasing, but these international matters are very resource intensive. The food and feed additives, for paper, and other investigations referenced earlier in this text underline the need for additional resources in this area.
- The Division's Corporate Amnesty Program has processed the number of companies that have come forward from an average of one per year from 1979, 1980, to 23 applications over the past 14 months. When combined with the Division's Individual Amnesty Policy announced in August 1994, these expanded amnesty programs are encouraging major new compliance and result in a significant net increase in prosecutions. While this "self identification" saves the Division some of the work necessary to identify and prosecute violations, it is also resulting in an increase in the work coming to the Division, with a net result that we need additional resources with which to prosecute the other culpable companies and individuals identified by these companies and individuals who have come forward and acknowledged wrongdoing.
- Federal Government procurement programs and the Division's ongoing probe of price fixing and bid rigging in major industries continue to occupy a significant part of the Division's staff. Of the Division's current 83 grand jury investigations, 25 percent are focused on Federal, state and local government procurement affairs.
- To the Division has initiated a project to identify, inventory, and record existing antitrust programs across organizations, including at Department of Defense contractors. Under these arrangements, companies that have been identified and exempted are required to file a report to DOJ about the content of an antitrust compliance program. Typically these involve highly complex, engineered products for which substantial research and development is performed, and they often involve classified programs. We expect this project may result in a number of highly visible antitrust cases, some of which have national security aspects, and involve national firms and large amounts of public money.
- The Division has filed a number of major civil enforcement actions, and has undertaken a very large number of order to pursue them to the benefit of the American consumer.
- Below list, and others being identified by the Division, will require additional resources in order to pursue them to the benefit of the American consumer.
- The economic benefits to consumers and U.S. businesses as a result of the Division's actions are substantial, with the following matters serving only as examples of the wide range of matters being pursued by the Division:
- As a result of the Microsoft licensing practices investigation, retail operating systems will have a fair chance to compete in the high technology market, innovation will be spurred, consumer choice enhanced, and the price of personal computers lowered
 - The Division's settlement in the Airline Tariff Publishing case, which involved eight major airlines, ended a practice by the airlines which cost consumers more than \$1 billion between 1988 and 1992.
 - After a two year combined effort between the United States and Canadian antitrust investigators, a \$120 million a year international cartel in the fax paper market was broken up. In addition to collecting fines of more than \$6 million, the investigation ended a practice that raised terms for paper prices by approximately 10 percent, a cost absorbed primarily by small businesses and home fax users.
 - In an investigation of anticompetitive learning arrangements between contractors bidding on Department of Defense procurements, the Division won a settlement including a payment of a \$4 million fine and a reduction in the contract price of approximately \$80 million to the benefit of DoD and the American public.
- These cases, as with others that produce major economic impact, require a tremendous resource commitment. A failure to commit the necessary resources preclude investigations, create inefficiencies, and deprive consumers and businesses of prompt relief from anticompetitive practices. As a result, the economic benefits of full staffing of these antitrust cases far exceed the modest budgeting costs required to prosecute these cases.
- It is essential to consumer and business welfare that antitrust vigilance be maintained at the Federal level. The United States' domestic market is increasingly intertwined with the global economy, and American companies are competing in a global market. Vigorous competition is also critical to assure the economic freedom of all Americans. Vigorous competition is also critical to assure the rapid innovation that generates continued advances in our standard of living. The Division has filed a number of major civil enforcement actions, and has undertaken a large number of order to pursue them to the benefit of the American consumer.
- Increased antitrust scrutiny absolutely critical.
- 10 Pursuit of the Antitrust Division's non-merger civil enforcement program under Section 1 of the Sherman Act is a priority. The penetration and reality among consumers and entrepreneurs that open and vigorous competition is essential to the economic freedom of all Americans. Vigorous competition is also critical to assure the economic freedom of all Americans. Vigorous competition is also critical to assure the rapid innovation that generates continued advances in our standard of living. The Division has filed a number of major civil enforcement actions, and has undertaken a large number of order to pursue them to the benefit of the American consumer.

**ANTITRUST DIVISION
Policies and Procedures**

- o Health care markets examined by the Division are increasing with the reexamination of the health care system in the United States by consumers, the Congress and the Administration. The Division currently is conducting an ongoing study of the health care market in the United States and is conducting an ongoing study of the health care market in the United States. The Division is currently conducting an ongoing study of the health care market in the United States and is conducting an ongoing study of the health care market in the United States. The Division is currently conducting an ongoing study of the health care market in the United States and is conducting an ongoing study of the health care market in the United States.
- o With issuance of a joint document by the Federal Trade Commission and the Antitrust Division entitled "Statements of Antitrust Enforcement Policy in the Health Care Area," and at the urging of the Administration and the Congress, the Division has committed to handle all health care business reviews within 90 days after receiving all necessary information. Since this commitment was made, the Division has received a substantial number of requests for health care business reviews. It is anticipated that the number of requests will substantially increase well beyond the current level.
- o In the telecommunication area, an economic sector in which are anticompetitive additional anticompetitive matters affecting cable companies, TV networks, publishers and phone companies as well as to CD technology are busy businesses and technologies in which we will see investigatory interest in the next few years.

Preservation of Competitive Market Structure

Preservation of Competitive Market Structure

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Preservation of Competitive Market Structure

[illegible][illegible]

The Preservation of Composite Market Structure activity has base resources totaling 448 positions (including 215 attorneys), 441 workyears, and \$47,928,000.

A. METHODS

[illegible]

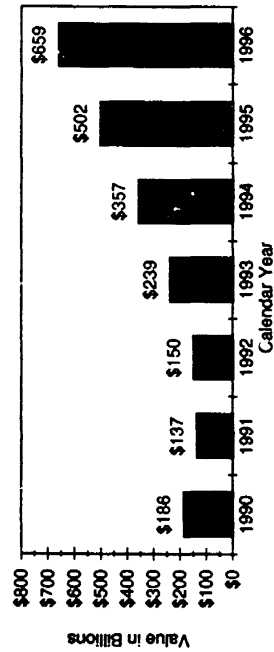
1. Department of Museum Activities

[illegible]

Not only is the number of H&M Works that must be reviewed by Division staff increasing, but also the work associated with the review of each proposed merger within the last fully mandated 30-day period is increasing. The workload of Division staff has increased significantly since 1986, as shown in Exhibit 7. This increase in workload is due to the fact that the number of mergers per year rose from 400 hours per merger in 1986 to over 800 hours per merger in 1989. This dramatic increase in the effort that Division staff must expend to the initial economic investigation effort combined with the increasing number of proposed mergers, requires that the Division's critical need for additional personnel.

ANTITRUST DIVISION
Federal Trade Commission

Value of U.S. Merger Activity



Source: Securities Data (reported in U.S. Today, August 15, 1998 and Morgan &大通, January 8, 1997)

Item	1994	1995	1996	1997	1998	Change	Estimate
Total Premerger Filings	4,400	5,416	6,001	6,201	5,201	250	6,401
Total Premerger Transactions	2,301	2,716	3,004	3,004	3,004	0	3,004
Challengable (Hart-Scott-Rodino) Filings	2,148	2,616	2,879	3,002	3,002	48	3,111

In addition to increases in premerger filings and total investigations filed, the number of investigations concluded also has increased. The number of merger investigations increased 77 percent from 158 in 1995 to 277 in 1998. Additional increases are also seen in the number of investigations filed. The increased number of investigations has led to more challenges. In 1995 we challenged 18 transactions. Of the transactions brought in 1998, 16 of them were successfully resolved (by consent decree or by the parties' abandoning or reworking the transactions). Two are still in litigation. In 1998, due broadly to the increased complexity of the investigations pursued, the Division challenged 30 proposed mergers and successfully resolved all but one.

2. Telecommunications Museum

[illegible][illegible]

ATAT-MCCM

[illegible][illegible]

The subsequent BT-46C transaction, announced in November, 1988, at \$20.28 a share that would constitute the biggest foreign purchase ever of a U.S. company, and would create the world's first largest telecommunications company.

Again the issues are complex, and in addition to Deloitte review the transaction involves review on the part of the FCC (not in U.S.), in light of the foreign ownership rules, and regulators in the United Kingdom, in light of the local ownership rules, and regulators in the Netherlands, in light of the local ownership rules, and regulators in the United States, in light of the local ownership rules.

2. Background and Aims

In addition, we recently have advised transactions that take the same issues but with other countries. Such has an agreement with Deutsche Telekom AG, which the Division investigated thoroughly, challenged and settled with a consent decree, and AT&T has an agreement with British Telecom companies. As a result, we are not likely to be asked to litigate the same issues and we will be asked to litigate the same issues in a number of countries. A highly innovative and creative effort to providing the interests of American consumers, and a major priority of the Administration in protecting against abusive telecommunications practices by U.S. firms. The proposed transaction is a significant step in the development of the telecommunications industry in both the United States and world-wide region in order to advance technology in the time and order to remain competitive.

1. Research Method

This series of 13 transactions involved the nationwide consolidation of all the available radio spectrum allocated for mobile radio. Three companies purchased that spectrum, which is now used for dispatch services, to offer mobile telephone service. The transactions raised the question of whether that consolidation would harm consumers of special mobile radio services and required the staff to develop a complete understanding of special mobile radio technology and competition in numerous metropolitan areas across the country.

This investigation involved 28 second requests, 143 interviews, 22 depositions, and the review of 910 boxes of documents that were submitted. There were ten staff members—five attorneys, three paralegals and two non-attorneys—assigned to this matter. As the direct result of the work directed to the matter by the Division, it was settled to the benefit of all parties, though in accordance with the terms of the final judgment—negotiations continue on the “hot-off” of associated firms.

A. Westhousen Electric-Industry Broadcasting

the 1998 Telecommunications Act, the Division received a settlement with Westinghouse Electric and Infinity Broadcasting to form the nation's largest radio group. The new group, which will operate 77 stations in 13 major markets, was required to discontinue the sale of the stations to form the new radio group. The new group, which will operate 77 stations in 13 major markets, was required to discontinue the sale of the stations to form the new radio group. The new group, which will operate 77 stations in 13 major markets, was required to discontinue the sale of the stations to form the new radio group.

Department of Zoology

In addition to an ever-increasing number of mergers that the Division must review, the nature of the mergers is seeing require more resources with which to conduct reviews that are comprehensive and serve to protect American businesses and consumers, while concurrently moving quickly so as to not inappropriately delay the proposed transactions. The Division is heavily involved in complex merger litigation. Recently, the Division has committed resources to the following matters:

1. **Differential hospitalities.**—This Division challenge involved the merger of two hospitals in Dubuque, Iowa, a case that went to trial on September 26, 1984. Like the other merger discussed, this one was based on unrefined pre-complaint investigation. The complaint, 7774-viewers were contacted, 18 depositions (all video tapes) were taken, and 78 books (152,000 pages) were reviewed. Four attorneys, two economists and three pathologists conducted the investigation. On October 27, 1986, the court ruled in favor of the Division's request for a full-scale economic study. The Division's report on most market product markets, discussed the effect of the merger on non-patients.

To prepare for Mid, 17 more departments were taken (15 by the telecommunications) and the staff was bolstered to nine attorneys, three economists and three publicists. Additional resources were directed to the research and analysis group, which was given the task of identifying and evaluating the economic and social impacts of the various policy options. The research group was also charged with identifying the key issues for the public and the media, and with developing a strategy for addressing them. The research group was also charged with identifying the key issues for the public and the media, and with developing a strategy for addressing them. The research group was also charged with identifying the key issues for the public and the media, and with developing a strategy for addressing them.

19. *Atlantic Coast Line Railroad v. Chesapeake Inc.*, On August 5, 1994, the Division filed its first major challenge under the passage of the Transportation Reform Act of 1990. Two of the nation's largest railroads, *Atlantic Coast Line Railroad* and *Chesapeake Inc.*, were required to shunt a key radio station, WQOW-TV, in Chrontal from being permitted to proceed with the sale of WQOW-TV 1970-1979 radio station. Without the divestiture, the companies would lose the market for the sale of radio advertising time in Chrontal and the surrounding areas.

HOW TO HARBOR?

[illegible]

4. Data analysis – The Division's investigation of the Thomson Corps' \$3.4 billion acquisition of Significant Publishing Inc., a Westcoast publisher, revealed that the Thomson agency agreed to discount most fees upon publication. The Division's investigation of the Thomson Corp.'s \$1.4 billion acquisition of Significant Publishing Inc. revealed that the Thomson agency agreed to discount most fees upon publication. The Division's investigation of the Thomson Corp.'s \$1.4 billion acquisition of Significant Publishing Inc. revealed that the Thomson agency agreed to discount most fees upon publication. The Division's investigation of the Thomson Corp.'s \$1.4 billion acquisition of Significant Publishing Inc. revealed that the Thomson agency agreed to discount most fees upon publication.

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(4) **Disney/ABC** - When it was announced, this transaction was the second largest valued merger of all time. Disney's \$18 billion acquisition of ABC has now been approved, based in part on Disney's intent to sell its Los Angeles television station. Disney agreed to the consent decree which would be filed only if certain conditions occur.

[illegible]

On January 29, 1988, the Division approved Pacific Scientific's Company's acquisition of Uni One Inc. after Pacific Scientifics agreed to several provisions. Pacific Scientifics agreed to pay Uni One's employees the same salary and benefits as they would have received had they remained with Uni One. Pacific Scientifics also agreed to fund Uni One's pension plan for the period of the transition. Pacific Scientifics also agreed to fund Uni One's pension plan for the period of the transition. Pacific Scientifics also agreed to fund Uni One's pension plan for the period of the transition.

Grainco-Pacific Corn Company, Inc., 10000 Pacific Coast Highway, Suite 1117, Newport Beach, CA 92660, is the U.S. agent for the Canadian company, **Grainco**, Ltd., 10000 Pacific Coast Highway, Suite 1117, Newport Beach, CA 92660. Grainco is a Canadian company that has U.S. based plants and operates in the U.S. and Canada. Grainco's products are used in a wide range of commercial buildings and remodeling. This investigation has been conducted pursuant to a request from the U.S. Coast Guard.

(119) A civil antitrust suit and proposed settlement were filed on August 13, 1998, in U.S. District Court in Washington, D.C., against Foodmaster Inc. for violating Hart-Scott-Rodino notification requirements. The court approved the settlement and Foodmaster Inc. paid the \$1.46 million penalty.

(111) A self-withdraw suit and proposed settlement were filed on February 4, 1999, in U.S. District Court in Washington, D.C., against *Barn Lee Corporation* for violating Hart-Scott-Rodino notification requirements. *Barn Lee* has paid \$3.1 million, the largest civil penalty any company has ever paid for violating antitrust premerger requirements. The proposed suit and decree was approved by the court.

119. The capital paying industry, in which **Investment Fund Corp.** took cash under offer, valued at more than \$1 billion, to buy **Chen Eastman Chemicals** was approved after **Investment Fund** agreed to sell its capital paying business to the firm, which is a public company. The transaction, as structured, will enable its subsidiaries to compete in the market for the construction and maintenance of highways, tunnels, bridges and other capital projects. The company is a public company with a market value of approximately \$120 million as now.

¹¹⁸ The bidding industry in which the Division challenged a proposed merger between the *major* public and *Confidential* bidders commencing with annual revenues of \$1.9 billion and \$1.1 billion respectively, the proposed merger by the largest and third largest wholesale bidders was approved following the filing of a consent and settlement agreement in the U.S. District Court in Chicago. The court

The investigation that led to this important case and settlement began in April 1989, almost 5 years before the case ultimately was brought. The delay was attributable almost entirely to inadequate staffing. Until September of 1993, only 3 attorneys, who worked on this matter on a part time basis, negotiated for and gradually reviewed some of the 1,250,000 pages of documents produced by the Union and third parties. In September 1993, the staff was increased to 8 full time attorneys and 7 full time paralegals.

PROBATION DEPARTMENT

[illegible]

The Microsoft Case. On July 15, 1994, the Division settled United States v. Microsoft (U.D.C.). Microsoft, the world's largest and dominant computer software company, used exclusionary contracts to choke off access to personal computer manufacturers by competing operating systems and pervasive proprietary systems. In February, 1994, the judge refused to approve the consent decree. On June 18, 1995, the District of Columbia Court of Appeals (reversed and remanded) sent the chief judge of the District Court with instructions that it be assigned to another District Court judge and an order be entered suspending the decree. The decree ultimately was entered by Judge Jackson on August 21, 1995.

Implementation of the case of use in Microsoft's selected practices and proposed restrictions on Microsoft to prevent it from engaging in the future in exclusionary practices designed to produce the same benefits for some users as for some others. As a consequence of the selected, third-party practices and proposed restrictions on Microsoft, the benefits of the selected, third-party practices and proposed restrictions on Microsoft are expected to be realized, consistent with the stated purpose of the selected, third-party practices and proposed restrictions on Microsoft. In the course of less than one year, a tremendous amount of information was gathered and analyzed in a highly comprehensive, complete and carefully researched, and a somewhat diverse and negotiated

[illegible]

This massive civil enforcement effort employed a large staff of lawyers, economists, and paralegals. A core of 14 full-time staff lawyers, 4 full-time staff economists, and 18 full-time paralegals, all of whom worked long hours, were required in order to complete this matter in less than a year.

Only when the appropriate resources are devoted to investigating and prosecuting major civil antitrust actions can the Division maintain competition and innovation in our important high technology industries, as well as the confidence of consumers and businessmen in the fairness of our economic system.

In 1998, Microsoft was notified by the Division that investigations had begun into additional areas of alleged anticompetitive conduct and we requested additional documents from the company through Civil Investigative Demands.

2. Adornment Enforcement

The Division has substantial responsibilities in the enforcement of consent decrees against BMI and The American Society of Composers, Authors and Publishers (ASCAP) / Broadcast Music Incorporated (BMI).

10/2/01

The Division recently reached an agreement with IBM to sunset its 1966 consent decree in stages over the next five years. A major investigation was required in order for the Division to make the appropriate disposition of the decree, and five attorneys and seven paralegals worked on this matter full time for over a year. Currently, the largest judgement enforcement matter involves the massive disbursement of millions of dollars in commercial and consumer products to various organizations and individuals who have been convicted of criminal offenses. The Division continues to receive numerous complaints about the actions of these individuals, and the Division is required to conduct extensive research prior to prosecution. More significantly, the Division is considering whether change in technology and market positions warrant a complete overhaul of these decrees.

3. Job's Production, Research and Development Ventures

in accordance with the National Cooperative Research and Production Act Amendments of 1983 (NCRPA), persons engaged in joint ventures for research, development, and production are provided the opportunity to reduce their potential liability under the antitrust laws by filing a declaration with the Federal Trade Commission (FTC) and the Department of Justice (DOJ). As required by section 4(b) of the NCRPA, annual recertification of the joint venture is required. For the first year under the 1983 Amendments, a total of 86 new ventures filed for the production of the NCRPA. Of these ventures, 57 provided research and development only, while 8 provided joint production only. In addition to joint research and development ventures, supplementary notices

ventures filed by 64 existing ventures to update the status of their venture filing activities. In total, research from 33 foreign nations participated in joint production ventures that involved technology transfer or licensing agreements during 1985. These numbers doubled, with 121 new venture filings, excluding 106 in research and development alone or in addition to research and development, indicating that more than twice as many countries were now filing joint production ventures. Thirty-two countries were cited by 65 existing ventures and 71 new ventures participating. Joint technology exchange, manufacturing, and production have been addressed in these ventures. Supplementing cutting edge areas involving the use of artificial intelligence, computer hardware and software, chemical technology, manufacturing, and construction. From June 10, 1985 through August 22, 1986, 200 joint filings have been received by the Division—21 involved production ventures and 98 involved research and development. 150 supplemental filings have been received; 147 of which concern research and development and three involved production ventures.

Additional resources will also allow the Division to continue to pursue Project 4 cases. The fact of this increase in more than 10 cases was projected by the Division in April 1984. These cases can have a dramatic effect on the state budget. For example, in the case brought by the Division in April 1984, MUE, the domestic ATM network, was ordered to join the network in competition, providing 2 million additional minutes of service to the state at a cost of less than \$1 million. The state is currently in a position to win more than 13,000 ATM most choices and depositary institutions—particularly rural banks, thrifts and credit unions—in Iowa. On April 25, 1984, the Division filed suit against the city of St. Louis, Missouri, and St. Louis Area Development Authority in the Eastern district of Oklahoma. The Division alleged that the city of St. Louis is trying the provision of water and sewer services to the state of electric power in new suburban developments where it loses competition from rural electric co-ops. This is the third filing complaint filed in this jurisdiction. The St. Louis sewer service is currently in litigation.

The Division has a total of 48 non-merger investigations being pursued, including the following major matters:¹ [C]ivil non-merger investigations were pursued by the Division's Structure and Control Program. The distinction between the two budget program areas was related to the type of charge being considered, with violators of Section 1 of the Sherman Act normally pursued under the Civil Program, and violators of Section 2 of the Sherman Act and Section 7 of the Clayton Act pursued under the Structure Program.² In order adequately to manage matters such as those referenced below, it is critical that the Division receive additional staffing and resources in 1986.

- General Electric (GE).** The Division has filed a lawsuit challenging GE's licensing practices that have reduced competition and driven up prices in markets for medical imaging equipment and in markets for the equipment itself. Medical imaging equipment includes everything from x-ray machines to MRI, and GE's practices have helped drive up the costs of medical care. The case was aggressively litigated on both sides and set forth significant precedents. It raises important questions about the scope of intellectual property protection and may have a significant impact on software patents generally. GE's motion for summary judgment was denied on February 14, 1997.
- Dale DeRuffin.** The Division has filed a lawsuit challenging the use of a "most favored nations" clause that operates to deter any by lower cost insurance plans, and to prevent the purchase of certain products. The District Court recently handed an important decision in the case, and discovery has proceeded for 30 days by mutual consent to permit settlement discussions.
- Veritas Software.** The Division is investigating the past stock transactions, claims publishing their members from prior lawsuits, and the company's financial practices. This is also a major investigation against significant resources.
- IBM.** While the ability of copyright claims to compete in the marketplace is being tested, this is also a major investigation against significant resources.

increase in 1998 of 30 positions (excluding ten attorneys). 15 workyears and \$2,670,000 is requested to address the workload increase for the Preservation of Competitive Market Structure Program. The Division currently has 83 ongoing merger investigations and 48 ongoing civil non-merger investigations. The requested program growth will allow proactive enforcement of the antitrust laws. The additional resources requested will also allow the Division to remain abreast of increasing workload.

[illegible]

- The merger wave has focused on the telecommunications, software, banking and health care industries, areas which are critical to the U.S. economy and in which the Division has taken a lead role in federal antitrust enforcement. Mergers and acquisitions in the information technology industry jumped 7.6 percent in April 1995 reported. "A record \$27.8 billion worth of mergers and acquisitions in the information, communications, and entertainment industries made last year (1994), according to PricewaterhouseCoopers' Paul Mayneck." *The Washington Post*, May 1995 reported. "As

ANTITRUST DIVISION Activities and Expenses

the software business continue to mature, analysts say, companies are rushing to merge to combine resources and bring power." USA Today (May 26, 1996) stated, "the race to build the information highway is creating a flurry of tech mergers."

- o In 1996 the Division analyzed 2,639 HSR complaints filed with mandated 20-day review periods. The number of reviews has been increasing yearly since 1983. The trend is expected to continue, with annual estimates of significant increases through 1998.
- o The number of merger investigations has increased in 1996 - by 77 percent over 1995 - with additional increases projected through 1998. In 1996, the Division challenged 30 proposed mergers and successfully resolved 26. 63 investigations currently are on-going. One measure of the increased relevancy of these investigations is the number of second request letters issued. In all of 1994 there were 74 second requests issued, compared to 80 in 1995. In 1996, there were 133 second requests issued.
- o The complexity of merger analysis is increasing dramatically, as are the numbers of non-merger files that the Division is reviewing that involve international transactions. These international matters require greater expertise in both discovery and analysis. (The average number of such letters in 1996 was 10, compared to 7 in 1995.) The 1962 Horizontal Merger Guidelines require an in-depth analysis of anticompetitive effects resulting from a merger. The Guidelines also contain complete treatment of the issue of entry. These changes reflect current economic learning as well as recent court decisions that require more sophisticated analysis of these issues. Mergers also examinations and data and decisions made consistent, then ever before, requiring the commitment of more resources to such matter.
- o The requested program growth will allow proactive enforcement of the antitrust laws. The additional resources requested will assist substantially in effective antitrust enforcement and allow the program to remain abreast of increasing workload.
- o Civil conspiracy investigations also are increasing at a phenomenal rate. In addition, the Division has seen an increase in the number of civil subpoenas issued, consistent with the increased digital required to pursue these investigations through successful settlement of litigation. In the civil non-merger area, the Division had 53 investigations opened in 1996. Of these 1996 civil investigations, 33 concerned monopolization. These monopolization investigations reflect major increases in the Division's workload because they monopolization investigations are often the most complex and resource demanding matters handled by the Division. As a result of the increased enforcement effort, 10 civil non-merger cases, all settled, were filed by the Division in 1994. In 1995, 15 cases were filed, all of which were settled by consent. In 1996, 20 civil non-merger complaints were filed by the Division, including four that were not settled by consent. Three remain on litigation. The Division won the fourth. The 20 civil non-merger complaints filed in 1996 is a 50.7 percent increase over the 13 cases filed in all of 1995.

Policy Analysis, Legislation and Training

Policy Analysis, Legislation and Training

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**ANTITRUST DIVISION
DOMESTIC AND FOREIGN**

Policy Analysis, Legislation and Training

Policy Analysis, Legislation and Training	1997 Appropriation Enacted			1998 Base			1998 Estimate			Increase/Decrease		
	Perm. Pos	Workyear	Amount (\$000)	Perm. Pos	Workyear	Amount (\$000)	Perm. Pos	Workyear	Amount (\$000)	Perm. Pos	Workyear	Amount (\$000)
Direct	11	11	\$1,522	11	11	\$1,522	11	11	\$1,522	-	-	-
Indirect	37	36	1,441	36	36	1,441	36	36	1,441	-	-	-
Carryover	10	10	1,207	8	8	853	8	8	853	-	-	-
Total	58	57	6,988	55	57	7,057	55	57	7,057	-	-	-

I. BASIC PROGRAM DESCRIPTION:

Enforcement of the antitrust laws is difficult and time consuming because a determination as to whether particular conduct or a particular merger is prohibited by those laws can often be made only after careful economic analysis. Errors in antitrust enforcement can have profound consequences for the affected industries and for the public. Thus, economists are a key adjunct to the Division's legal staff. Equally important, antitrust enforcement has become an increasingly important part of the Department's overall economic policy. Moreover, hundreds of legal issues must be considered by the Department each year. Many of these proposals have profound impact on competition and innovation in key industries, as well as the effectiveness and operation of the Department. For example, last legislative session legislation effect the evolution of the entire industry, and have substantially increased the Division's workload in assessing the competitive consequences of new entry into long distance, manufacturing, and video markets. Health care reform proposals effect competition in health care markets. The Division's workload is also increasing due to the need to investigate international cartels and contribute substantially to the enforcement of antitrust laws in other countries. The Division is the Department's sole resource for dealing with such issues and for providing advice and assistance to other departments and agencies. General authority for these programs is found in 26 C.F.R. § 40. The Division works to ensure that its professional staff members remain abreast of evolving legal concepts and judicial interpretation of standing precedent in order to enforce antitrust laws efficiently and effectively.

The Policy Analysis, Legislation and Training activity has base resources totaling 58 positions (including 25 attorneys), 57 workyears, and \$7,057,000.

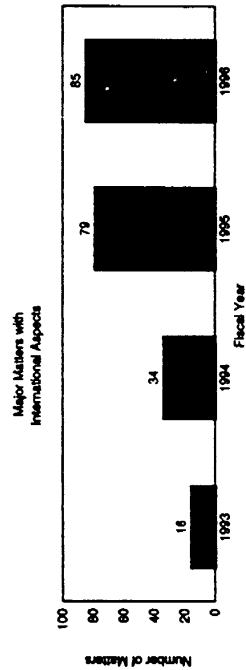
II. ACCOMPLISHMENTS AND ONGOING WORKLOAD:

A. International Legal Assistance

The Department operates in a world of global markets in which sound competition policy is a cornerstone of a free market economy. The antitrust laws of the United States are a model for competition policy the world over, and the enforcement policy of the Department has been influential in shaping the policies of our trading partners. The Division's workload in this area is expanding rapidly, as evidenced below:

- 1. International Implementation.** The work of the Division is becoming more international in scope as world and domestic markets become increasingly interrelated, and as the Division develops close cooperative relationships with foreign antitrust agencies. A large and growing percentage of the Division's merger, cartel, and monopolization investigations each year involve foreign firms as parties or as third-party witnesses. The number of matters being referred by the Division involving international issues increased by 113 percent between 1993 and 1994, and by 500 percent in 1995 as compared to 1992 (see chart on next page). The Department of Justice works with international agencies with international issues that increased from under 10 percent in 1993 to almost 30 percent in 1995. Significant additional increases are proposed. Moreover, the practice and legal issues involved in these international cases require significantly more attorney time than purely domestic cases.

ANTHONY DOMINICH Issues and Solutions



Between fiscal years 1993 and 1996, the number of matters with international aspects increased by 431 percent.

- New Legislation.** The International Antitrust Enforcement Assistance Act of 1994 (IAEAA), as enacted in November 1994, greatly enhanced the Division's ability to obtain foreign-located antitrust evidence and cooperation from foreign governments. The Division is currently negotiating with several major foreign antitrust agencies. These foreign agencies will, in turn, help to obtain foreign evidence and cooperation from their respective governments. The Division anticipates that new agreements with several major foreign antitrust agencies will be in place by the end of calendar year 1997, with additional agreements in place by the end of 1998.

We anticipate that in the early years of such agreements, we will make many requests for assistance each year to foreign agencies and receive an equivalent number of requests for assistance from those agencies. We further anticipate that making and responding to such requests under the new IAEAA will raise numerous practical and legal issues that will require substantial attorney time over existing requirements. The result, of course, will be that the Division is now able to obtain foreign-located evidence that previously had difficult to obtain, and thus the Division's workload will be able to better international cartel cases that previously could not survive for want of evidence.

	1994	1995	1996	1997	1998	1999
Matters with Significant International Aspects	34	79	36	105	106	126

**ANTITRUST DIVISION
SELECTED DATA**

	1984	1985	1986	1987	1988	1989	1990
On-Going Grand Juries (ending at start of year)	133	99	84	84	84	84	84
On-Going Grand Juries with International Aspects	22	25	25	36	36	3	36
% of Grand Juries with International Aspects	16.5%	25.2%	29.8%	38.3%	38.3%	36.3%	61.5%

3. Japan

The Division has been actively supporting the Administration's objective to ensure international barriers to fair and open trade are eliminated. The Japanese antitrust laws are similar to those of the United States, but enforcement of the Antitrust Act, the key antitrust law of Japan, has in the past been sporadic. As a result, there is a perception that price fixing, bid rigging, market allocation and group boycotts occur with some frequency in Japan, and that these practices contribute to the difficulties faced by American companies seeking to penetrate Japanese markets. Talks with the Japanese that have focused heavily on anticompetitive practices by Japanese firms that have hampered the ability of U.S. firms to compete in Japanese markets, and on efforts by the U.S. to obtain improved antitrust enforcement by Japan.

The Japanese have agreed to stronger enforcement of their Antitrust Act, including increased use of criminal enforcement and tougher penalties for antitrust violations. The Japanese have taken action to provide more effective remedies for antitrust violations. The Division has been involved significantly in these ongoing policy issues and will continue to be involved in the future.

Kodak's Section 203 Investigation. Division personnel are participating in an ongoing group, chaired by the U.S. Trade Representative (USTR), examining Kodak's allegations that anticompetitive practices in the Japanese market have limited Kodak's penetration of that market, and that the Government of Japan has tolerated these anticompetitive practices.

4. Bilateral Antitrust Assistance Agreements

European Union (EU). In September 1991, the Department of Justice and the Federal Trade Commission signed a bilateral assistance agreement with the Commission of the European Union (EU). This agreement provides that the parties will cooperate with each other in the enforcement of their domestic competition laws. The Division had primary responsibility for negotiating this agreement on behalf of the Department and is contributing to the new cooperative effort required by the agreement, including the required bi-annual formal consultations. The Division is working with the EU to assess ways in which cooperation in merger and non-merger investigations can be enhanced.

Canada. In August 1990, the Department of Justice and the Federal Trade Commission signed a new antitrust cooperation agreement with Canada, replacing a 1984 memorandum of understanding. The Division, in consultation with the FTC, had the lead role in negotiating this agreement, which will facilitate the growing inter-agency enforcement cooperation between the U.S. and Canada and, it is anticipated, pave the way for a U.S. - Canadian International Antitrust Enforcement Assistance Act agreement.

New Mutual Assistance Agreements. Following passage of the International Antitrust Enforcement Assistance Act of 1994 (IAEAA), the Division has begun discussing the possibility of bilateral agreements with several countries. As these agreements are negotiated and put into effect, the Division will assume responsibility for not only pursuing investigations in cooperation with foreign countries, but also responding to requests for assistance by those countries as they pursue investigations concerning American businesses. During 1995, the Canadian government proposed amending Canada's antitrust law to IAEA-type provisions and expects to submit legislation to Parliament later this year. The EU also has stated its interest in the possible negotiation with the U.S. of an IAEA agreement. In addition, the Division is discussing the possibility of IAEA agreements with antitrust authorities of a number of other governments.

5. The Department's Antitrust Enforcement Guidelines for International Operations

In 1995, the Division and the FTC issued joint **International Guidelines**. These guidelines revised and updated previous guidance and required a substantial revision of resources, meetings with the U.S. antitrust agencies, and extensive consultation with the public. The guidelines are intended to help U.S. businesses and consumers understand the Department's approach to help international anticompetitive practices that hurt U.S. businesses and consumers. The Guidelines also help answer questions that U.S. and foreign businesses may have relating to the Department's international antitrust enforcement policy.

ANTITRUST DIVISION SPECIAL AND LITIGATION

6. Implementation of the Omnibus Trade Act of 1980

The Division has taken the lead on behalf of the Department in the interagency process of implementing the Omnibus Trade Act of 1980, which imposed tight deadlines on the Administration for making important decisions about many aspects of U.S. foreign trade policy. The Division plays an important role in relating the solutions to trade disputes that emerge from the trade act process should not include government-encouraged price-fixing and market allocation schemes, and that U.S. trade policy should continue to insure the extent to which U.S. firms and U.S. industries remain competitive. The Division also seeks to ensure that any competition-related provisions that are included in bilateral trade agreements are consistent with U.S. antitrust laws and otherwise appropriate.

7. OECD Competition Law and Policy Committee

The Division reported the United States Annual Report to the OECD for 1995 and led the U.S. delegation at the Organization for Economic Cooperation and Development (OECD) Competition Committee meeting in Paris, France, in November 1995. The Division has been active in the OECD process, which has been the primary forum for international cooperation in antitrust matters. OECD consultants, working with antitrust authorities from the United States and other countries, have prepared case studies of merger reviews and other acquisitions that have been reviewed by more than one country. Their report compares the ways enforcement authorities have handled the review of particular matters, with the goal of ensuring that the review process is better coordinated among countries. The report also contains recommendations, which the committee will discuss at future meetings. This project has the potential to enhance international cooperation on merger review and lead to broader coordination in antitrust matters. The Division has been active in the OECD process, which has been the primary forum for international cooperation in antitrust matters. The Division has encouraged member countries to expand antitrust enforcement cooperation and coordination through expanded sharing of investigative information.

8. Joint Discussions with Foreign Governments

The Division has responded to many requests from competition agencies in other countries, including the countries of Latin America and Eastern Europe, for information on U.S. antitrust developments and has met with many foreign competition officials to discuss competition matters. Of particular note in this regard were biannual consultations with the EU, Canadian, and Japanese antitrust authorities. These consultations helped to cement already close relationships between the respective agencies, which have many similar competition concerns.

9. Eastern Europe

The formation of democratic governments in Central and Eastern Europe has prompted requests for advice and consultation on competition policy. Working closely with the Department of State and with funding provided by the Agency for International Development (AID), the Division has been able to implement an assistance program for these emerging democracies. Since 1991, Division officials have met with senior officials of the Polish, Hungarian, Czech, Slovak, Bulgarian, Romanian, Estonian, Lithuanian, and Slovenian governments, and have provided technical assistance to these countries. In addition, the Division has provided technical assistance to the Polish, Czech, Slovak, Hungarian, and Slovenian governments. The Division and the Federal Trade Commission (FTC) have sent two-person teams to work with the new antitrust agencies in those countries for extended periods. In addition, the Division has sent short-term missions to Poland, the Czech Republic, Slovakia, Hungary, Bulgaria, Romania, Lithuania, Latvia, Estonia, Slovenia, and Albania. The Division's AID-funded Eastern European technical assistance program is scheduled to be phased out in 1997.

10. Technical Assistance to Latin American Countries

The Division is developing a solid relationship with Mexican, Venezuelan, and Brazilian competition officials who will enforce new competition laws. The Division has hosted Mexican competition officials as interns in 1994 and 1995, Brazilian officials in 1995 and 1996, and Venezuelan officials in 1994, 1995, and 1996.

11. Former Soviet Union

As in Eastern Europe, the formation of democratic governments in the former Soviet Union has prompted many requests for advice and consultation on competition policy. Also as in Eastern Europe, AID has funded a technical assistance program for some former Soviet countries by the Division and the FTC. At the request of the Russian and Ukrainian governments, the Division and the FTC have sent two-person teams to work with the antitrust agencies in those countries for extended periods.

ANTITRUST DIVISION Policies and Procedures

8. Domestic Policy

The following are recent examples of the Division's work in shaping, influencing and enforcing policies to protect and preserve competition within the American economy:

1. Health Care – Antitrust Enforcement Policy Statement

The Division continues its major effort to provide antitrust guidance to the health care community through policy statements on mergers, joint ventures, and other collective conduct among hospitals, doctors, and other health care providers. Such guidance also is a major priority of the Administration's health care reform efforts and other supporters of sound antitrust enforcement in the health care area. Six statements were issued jointly with the FTC in 1995: *Antitrust Review and Exemptions in Health Care*, *Antitrust Enforcement in Health Care*, *Antitrust Enforcement in Health Care*, *Antitrust Enforcement in Health Care*, *Antitrust Enforcement in Health Care*, and *Antitrust Enforcement in Health Care*.

Expedited business review procedures have also been initiated for health care mergers, and the number of business review requests continues to grow. We anticipate that the need for additional work in the area will continue through 1998, as health care markets continue to evolve.

2. Horizontal-Product Market Restrictions

The Antitrust Division worked closely with the Federal Trade Commission in developing exemptions from Hart-Scott-Rodino premerger reporting requirements for certain classes of transactions that the agencies believe, based on enforcement experience, are not likely to raise antitrust concerns. The exemptions are intended to reduce burden on the business community and to allow the antitrust agencies to focus on more complex cases. The exemptions cover acquisitions of ownership, control, or significant influence in the following categories: (1) acquisitions of oil, gas, and coal reserves; (2) acquisitions of shopping centers, hotels and motels; and, unless much higher thresholds were met, acquisitions of oil, gas and coal reserves. Proposed exemption rules were published in the Federal Register in July of 1995. After reviewing numerous comments on the proposed rules, the agencies worked closely on revising and expanding the proposed exemptions. Final rules creating the new exemptions were published in the Federal Register March 28, 1996 and took effect April 29, 1996.

On June 28, 1998, the Antitrust Division and the Federal Trade Commission announced that they have established a joint task force to examine whether and, if so, how the antitrust analysis of mergers should take into account any probable cost savings from mergers. The task force will consider whether to recommend any changes in the treatment of efficiencies in the agencies' joint 1993 Horizontal Merger Guidelines.

3. Intellectual Property Guidelines

On April 8, 1995, the Division issued *Revised Antitrust Guidelines for the Licensing of Intellectual Property*. These Guidelines clarify the approach that will be taken by both the FTC and the Division to market definition for technology and innovation markets. They serve both to direct the Department's enforcement efforts and discretion in this critical area and give guidance to the business community. The Guidelines are intended to provide a clear, predictable framework for the antitrust analysis of intellectual property licensing and other transactions. The Guidelines are designed to be consistent with applicable law and emerging technology.

4. Electricity Policy

The Division is participating in the OMB Interagency task force composed of representatives from DOE, EPA, OGA, and DOD. The participants are discussing administration policy on proposals concerning the Public Utility Regulatory Policy Act (PURPA).

5. Sanctions Guidelines

An important ongoing domestic policy project involves implementing key new Sanctions Guidelines for antitrust offenses. *Revised Sanctions Guidelines* for individual and organizational antitrust violations became effective in 1992. Individual antitrust violations face longer and more certain prison sentences than were previously provided. The Division policy staff worked closely with the Criminal Division and the Sentencing Commission to achieve appropriate and uniform organizational sanctions, as well as to implement individual sanctions for antitrust offenses. The Division continues to assess the impact of these Guidelines and may propose amendments in the future. The amount of Sanctions Guidelines work handled by the Division is not expected to decline, given the Guidelines' importance and constant evolution.

ANTITRUST DIVISION Initiatives and Functions

6. Proposed Legislation and Responses to Inquiries from Members of Congress

The Division's legislative program entails: drafting and supporting legislative proposals to amend antitrust laws or other statutes affecting competition; analyzing proposed legislation; drafting reports, and testimony prepared by other agencies; and submitting comments on hundreds of such items to other Justice Department components, the Office of Management and Budget, and Congress. It also includes preparing testimony to be given on behalf of the Department and the Administration, and coordinating responses to correspondence or other inquiries received from Congress, the White House, or other sources. Among important ongoing legislative efforts of the Division are the following:

Health Care Legislation. Division staff participated in the development of the Administration's position and legislation on health care reform. Important policy issues regarding possible antitrust exemptions and enforcement were involved in this project. The Division will continue to present views on antitrust exemptions as subsequent legislation is considered. Many health care reform bills have introduced provisions for the Department's assistance, some would create additional restrictions on the Attorney General's authority to conduct antitrust enforcement or otherwise conduct or influence of such actions, and others would create additional restrictions on the Attorney General's authority to conduct or influence of such actions.

7. Executive Legislation

Telecommunications Reform. On January 8, 1994, the President signed into law the Telecommunications Act of 1994. The Division remains committed to the Administration's goal of achieving comprehensive, overall telecommunications reform. Our goals are to promote free competition in local exchange and cable markets, to ensure that the public interest is protected, and to ensure that the Department's decision-making role is essential to ensuring that telecommunications reform results in free competition. The FCC is in the process of prescribing regulations to implement various parts of the Act.

ICC Support - Antitrust Review of Railroad Mergers. The Division actively participated in Administration efforts to obtain legislation that would address anticompetitive and antitrust aspects of regulation of the rail and motor carrier industries, such as special treatment for rail mergers and antitrust immunity for rail and motor carrier price fixing. As part of that effort, we assisted with development of the Administration's bill, met with Congressional staffers on various proposed bills, drafted proposed amendments, prepared letters commenting on the House and Senate bills and participated with DOT and other executive agencies in developing the Statement of Administration Policy on the House and Senate bills. On December 29, 1993, Congress ultimately passed, and the President signed, the ICC Reauthorization Act of 1993, which reauthorized the Interstate Commerce Commission's authority to regulate rail and motor carrier collective rate and pooling agreements. The Act, however, did amend prior merger and antitrust provisions by requiring the Surface Transportation Board (the successor agency to the ICC) to submit substantial weight to any recommendations of the Attorney General in assessing the anticompetitive effects of a transaction.

International Antitrust Enforcement Assistance Act. The 103rd Congress passed the International Antitrust Enforcement Assistance Act of 1994. The Act originated as a Division proposal, aimed at helping the U.S. government and FTC coordinate with foreign governments to investigate and prosecute anticompetitive behavior. The Act was amended to include provisions for the U.S. government and businesses to investigate and prosecute anticompetitive behavior beyond U.S. borders, but often has been out of reach because of legal limitations that have prevented the sharing of antitrust records between U.S. and foreign authorities. The Act authorizes reciprocal agreements between U.S. and foreign antitrust agencies to share confidential information and obtain evidence on one another's behalf. The Act passed both houses of Congress less than three months after its introduction, a result of intense efforts led by the Department of Justice to develop statutory language that carefully balanced enforcement needs with legitimate business concerns about safeguarding confidential business information.

Other recent legislation has significantly improved and modernized the nation's antitrust laws. Recent changes increased maximum fines for price fixing and bid rigging by corporations and individuals; provided treble damages to the United States when it is injured by price fixing or bid rigging, and modernized the prohibitions in Section 8 of the Clayton Act concerning interfering corporate executives. The Division had primary responsibility for drafting the proposals and supporting documentation on these issues, coordinating with other Executive Branch agencies in formulating the Administration's position, preparing testimony for Congress on the bill, and, in cooperation with the Department's Office of Legislative Affairs, preparing the proposals to Congressional staff members.

C. Employee Training

The Division has implemented a comprehensive litigation skills training program. A litigation skills course modeled on the widely-revered National Institute of Trial Advocacy (NITA) program was tailored, and all of the Division's attorneys and staff attorneys are participating in the program. The Division has also implemented a management training program for all staff attorneys and staff attorneys. The Division held highly successful Senior Litigator Conferences in 1993 and 1994, which allowed the Division's most experienced litigators to meet to discuss particular problems in typical antitrust cases and share possible solutions. Further, training is being provided to the Division's managers so that they may move ahead in challenging their employees to participate as team members, assure that all employees are productive, and focus resources on priority matters.

The training programs that the Division has implemented are in direct response to employee concerns. The Division had a poor employee record in the merger cases it litigated during past years, and the Division's managers have worked actively to establish training programs that are providing the Division's litigating teams with the critical edge that they need in order to win against some of the highest paid, top name attorneys in the country. In addition, emphasis on management training is one of the Division's major priorities, to assure that it gets the best out of limited resources.

Resources devoted to this program to reach precompetitive solutions to the challenges ahead will assure American leadership in the global economy during 1998.

Competition Advocacy Program

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Competition Advocacy Program

I. Base Program Description	IS
II. Accomplishments and On-Going Workload	IS
<ul style="list-style-type: none"> A. Federal Communications Commission B. Securities Trading C. Health Services D. Department of Transportation E. Surface Transportation Board F. Department of Agriculture G. Federal Energy Regulatory Commission H. Emergency Task Force/Committee I. Bank Merger Screenings 	

Competition Advocacy Program

Commodity Advance Percent	1987 Appropriation Enacted			1988 Base			1988 Estimate			Increase/Decrease		
	Perm. Poo	WorkYear	Amount (\$1000)	Perm. Poo	WorkYear	Amount (\$1000)	Perm. Poo	WorkYear	Amount (\$1000)	Perm. Poo	WorkYear	Amount (\$1000)
Direct	18	18	6	18	18	6	18	18	2,500	18	18	2,500
Indirect	18	18	2,386	18	18	2,500	18	18	2,500	18	18	2,500
Comptroller	18	18	4	18	18	3	18	18	3,538	18	18	3,538
Comptroller	18	18	2,386	18	18	2,500	18	18	2,500	18	18	2,500
Total	72	72	27	72	72	27	72	72	3,538	72	72	3,538

The Division actively monitors the pending actions of Federal regulatory agencies through review of those agencies' dockets and industry or other publications, and through personal contacts in the industries and the agencies.

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Authority for these various activities is found in 28 C.F.R. § 40.40; the Federal Coal Leasing Amendments Act of 1979, the Deepwater Port Act of 1974, 33 U.S.C. § 1806(a); the Atomic Energy Act of 1954, 42 U.S.C. § 2136; the Federal Land Acquisition Act, 48 U.S.C. § 1178-14; the 1946 Bank Merger Act, 12 U.S.C. § 1828; the Bank Holding Company Act, 12 U.S.C. § 1842; the National Housing Act, 12 U.S.C. § 1702n; the Outer Continental Shelf Lands Act, 43 U.S.C. § 1531, et seq.

The Competition Advisory Program sector has been successful in raising 29 solutions (including 14 starters), 17 workdays, and £3,628,000.

	1984	1985	1986	1987	1988	1989	1990
Meetings on Emergency Task Force	54	56	60	90	90	..	90

Federal Communications Commission. The Division has been active in a number of proceedings before the Federal Communications Commission (FCC). In these proceedings, the Division has advocated the introduction of greater competition in areas of telecommunications self characterized by substantial market power, and the reduction of unnecessary regulatory burdens in areas where competition has developed.

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ANTHONY DOMINON Business and Economics

6. Federal Energy Regulatory Commission (FERC)

Renewable Energy Development: On March 2 and April 3, 1995, the Division filed comments and reply comments with FERC in its proceeding on alternative power pooling institutions. Our initial comments recommended that FERC should encourage the development of "PowerCo" - an entity that would acquire voluntary short-term electricity purchases and sales by dispatching generating plants efficiently without regard to ownership of the plant or the transmission line. Formation of a properly structured "PowerCo" would serve the vertical link between electric generation (potentially competitive) and transmission and distribution (natural monopolies). The bill significantly lessens the opportunities for competitive abuses and could allow administrative or later legislative deregulation of the wholesale electric generation sector. The reply comments emphasized the subsequent bill are essential for a "PowerCo" to facilitate a competitive and deregulated market in the generation of electricity.

Electric Power Industry: On August 7, 1995, the Division filed additional comments in a FERC rulemaking proceeding on promoting competition in the wholesale electric power industry. FERC proposed to require electric utilities, which are vertically integrated from generation to transmission to local distribution, to provide transmission service to other generators on an open access, non-discriminatory basis. The Division's comments endorsed FERC's goal of promoting competition but recommended a less regulatory, more structural approach. In particular, the Division urged FERC to require utilities to separate the ownership and control of their generation facilities from their control (but not ownership) of transmission facilities. This would remove the utility's ability to discriminate against other, potentially lower cost or more efficient generators.

Market Power: Under the Federal Power Act, the Division filed comments in a FERC proceeding on the appropriate standards for determining whether electric utility markets meet the "public interest" test under the Federal Power Act. The Division's comments urged FERC to adopt the Horizontal Market Guidelines issued by the Division and the FTC, as the framework for analyzing market power in electric utility markets. The Division's comments also urged FERC to adopt the Horizontal Market Guidelines as the framework for analyzing market power in electric utility markets. The Division's comments also urged FERC to adopt the Horizontal Market Guidelines as the framework for analyzing market power in electric utility markets. The Division's comments also urged FERC to adopt the Horizontal Market Guidelines as the framework for analyzing market power in electric utility markets.

14. International Task Forces/Committees

Telecommunications International Task Force: The Division is participating in an inter-agency working group that is taking a comprehensive look at policies affecting communications and information industries. The working group is examining the future of these industries and identifying regulatory barriers that may be hindering U.S. competitiveness.

International Satellite Communications Working Group: The Division is participating in an inter-agency group that is considering the competitive and other economic implications of restructuring INTELSAT's participation in the international satellite market.

Oil and Gas Issues: The Division is participating in a task force with representatives of the Departments of Interior, Commerce and Energy to assist the Department of Interior in its investigation of allegations of underpricing of crude oil produced from federal and state oil and gas leases in California. If the allegations were true, the major companies involved may owe the United States substantial amounts of additional royalty payments. The role of the Division is to assist Interior in its efforts to determine whether the underpricing was a result of collusion among the major oil companies.

OECD International Task Force on Electricity Policy: The Division is representing the Department on a task force composed of representatives of DOE, EPA, OMA, and DOD which discusses energy policy issues, such as proposals to reform the Public Utility Regulatory Policy Act (PURPA) and the Public Utility Holding Company Act (PUHCA).

Asian Pacific: The Division is participating in discussions regarding Japan policy under the direction of the National Economic Council (NEC). The Division also provides advice in this area on legal matters falling within its responsibilities.

Intellectual Property: The Division is an active participant on a NEC interagency task force exploring possible legislative proposals regarding intellectual property. The task force also is designed to allow different agencies to coordinate their activities in the field of intellectual property.

Antitrust: Rep representatives of the Division are participating in an NEC working group on the US-UK antitrust treaty. This treaty is one of the most restrictive antitrust agreements between the US and a major trading partner. The Division's role in the discussions is to ensure that U.S. consumer interests in open defense markets are taken into account in evaluating different options.

International Economic Council (IEC): The Division is participating in discussions regarding Japan policy under the direction of the National Economic Council (NEC). The Division also provides advice in this area on legal matters falling within its responsibilities.

AMERICAN OVERSEAS BANKS AND FINANCIAL INSTITUTIONS

The Division's best opportunities to protect competitive markets from unfair activity, to make markets more competitive by reducing unneeded regulation, and thus to improve consumer welfare, lie in vigorous pursuit of two major activities: enforcement and competition advocacy. The latter program area serves to support one of the most important components of the Division's mission and has significant potential to affect business, industry, consumers and numerous hundreds of millions of dollars annually by eliminating or reducing regulatory requirements that discourage efficient and competitive investment and activities.

1. Bank Merger Restrictions:

Expenditures in Bank Merger Restriction	1984	1985	1986	1987	1988	1989	1990
Total Screenings ^{a/}	1,827	1,887	1,860	2,050	2,050	-	2,050
Screenings Requiring Competitive Analysis	1,177	1,211	1,200	1,430	1,430	-	1,430

^{a/} Total screenings includes review of bank, thrift, bank holding company, and thrift holding company mergers and acquisitions and applications for bank holding companies to engage in non-depository activities. Under the Bank Merger Act, the Bank Holding Company Act, and the Home Owners' Loan Act, the Department has the statutory responsibility to provide bank regulatory agencies with a report on the competitive effects of all depository institution merger and acquisition transactions that are submitted to those agencies for approval. As shown on the preceding chart, during 1989 the Division reviewed 1,887 bank merger applications. The great majority of bank merger applications reviewed by the Division do not raise any substantial competitive concerns. However, in order to reach any decision on competitive issues, the Division must investigate and analyze these applications thoroughly. The Bureau of Bank Transactions, Insurance, and Finance, Federal Reserve Bank of New York, reported in the *FRB Bulletin*, August 1990, that 1,225,000, and 1,225,000 applications for bank mergers and acquisitions were submitted to the Division in 1988 and 1989, respectively. The Division's review of these applications is a critical part of the government's regulatory role in the banking industry and is essential to the maintenance of a sound financial system.

In 1989, the \$2 billion merger between the Bank of Boston and BayBank was permitted to go forward after the parties agreed to sell 20 branch offices with total deposits of approximately \$600 million. The merger was approved by the Division and the Federal Reserve Bank of Boston. The Division's review of the merger was based on the parties' agreement to sell the 20 branch offices. Institutions involved in divestitures monitoring include: Continental Financial/Meridian Bancorp., Wells Fargo/First Interstate Bancorp., Wells Fargo/First Interstate Bancorp., NationsBank/Bank South, U.S. Bancorp/West One, and First Interstate. Bank mergers that have been thoroughly investigated by the Division but not challenged were the mergers of First Union and First Fidelity, Bank of America and Continental Trust, and First Chicago and MBQ.

ANTHONY J. COHEN
Politics and Literature
Justification of Program and Performance

Management and Administration

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Management and Administration

I. Base Program Description	00
II. Granting Initiative	00
III. Accounting and On-Going Work	00
A. Enforcement Initiatives	
B. Cooperation and Coordination	
C. Cross-designation with State Attorneys General and U.S. Attorneys	
D. Office Automation	
E. Debt Collection	

ANTITRUST DIVISION
Activities and Expenses

Management and Administration

Management and Administration	1987 Appropriation			1988 Base			1988 Estimate			Increase/Decrease		
	Perm. Pos	Worktype	Amount (000s)	Perm. Pos	Worktype	Amount (000s)	Perm. Pos	Worktype	Amount (000s)	Perm. Pos	Worktype	Amount (000s)
Direct	11	11	\$1,138	11	11	\$1,138	11	11	\$1,138	-	-	-
Indirect	49	26	1,428	49	26	1,428	49	26	1,428	-	-	-
Contingency	11	11	731	11	11	731	11	11	731	-	-	-
Total	71	48	3,297	71	48	3,297	71	48	3,297	-	-	-

1. BUREAU PROGRAM DESCRIPTION:

This program provides for the overall direction and management of the Antitrust Division, including the supervision and administration necessary to support the Division's ongoing mission. Top management provides policy guidance, administrative control, and directs the full range of Division activities. In addition to specific case division, management officials direct the overall administration and management of the Division, determining the allocation of a full range of resources among competing programs to meet the varied responsibilities of the Division as effectively as possible. Division officials establish and implement policies, procedures, and standards for the Division's internal operations and coordinate the Division's activities with other Federal agencies and State and local antitrust agencies. The Division's primary responsibility is to provide the services and tools needed by the operating staff to do its job.

The Management and Administration activity has base resources totaling 61 positions (including 3 attorneys), 60 workyears, and \$7,271,000.

2. ESTIMATED BUDGET:

Over the past two years, the structure and priorities of the Division have been changed in a concerted drive to streamline, reduce layers of bureaucracy, flatten management structure, and eliminate high-performance practices. In the Division's application of "streamlining government," the following changes have been effected:

- Reorganization (Continued).** The Division has applied the techniques of consensus building, early setting of goals and priorities, and "watering the hierarchy." Responsible managers meet with the leading staff early in the course of each civil investigation to identify and answer policy questions, to agree on the course and scope of the investigation, and identify desired outcomes and key issues. These efforts have increased efficiency and significantly enhanced the Division's enforcement mission by providing unnecessary effort and by focusing resources only on important matters for investigation and resolution. In addition, many of the preparation procedures formerly required have now been revised, providing for shorter and more effective internal memoranda for such purposes as status reports, clear recommendations and requests for compulsory process.
- Realignment of Existing Resources.** The Division has realigned the case responsibilities of its ongoing sections by type of enforcement, i.e., criminal, merger, and civil non-merger. Previously, the ongoing sections were organized around industry sectors, with each section handling a mix of criminal, civil, merger, and regulatory issues. Advantages of the realignment are an increased ability to build prosecutive expertise in specific areas, improved coordination of prosecutive efforts, and more effective use of prosecutive resources. Additionally, the Division has created several new units to enhance its ability to investigate and bring cases involving complex anticompetitive conduct that are not suitable for criminal prosecution.
- Expansion of Existing Resources for the Division.** Approximately 100 new positions have been hired in the past two years by the Division. These positions have leveraged the resources of the Division by providing direct, indirect, and support services, allowing staff attorneys to do professional work and increasing the caseload they can handle. It makes maximum use of the new base, the Division has established a new unit to handle the increasing number of cases involving complex anticompetitive conduct, and has increased the number of staff attorneys and paralegals to handle the increasing number of cases. The Division has also increased the number of staff attorneys and paralegals to handle the increasing number of cases involving complex anticompetitive conduct. This allows the immediate transcription of deposition notes and negotiated settlements to ensure the accurate and immediate transfer of facts, and three Division executives to concentrate on other critical support functions.
- Coordination with the Bureau.** Of great significance to the Division's progress to reach more closely with the public, increasing cases to them when appropriate, and working in tandem with other attorneys on matters of mutual concern. The program is in line with significant actions, including the filing of joint lawsuits by the Division and other Justice Department, and the transfer of assets, to enhance coordination in the areas for coordination.
- Revised International Antitrust Enforcement.** The Division established a 10th Deputy Assistant Attorney General position for international antitrust enforcement. This Deputy serves to guide the Division's efforts with respect to trade issues, cooperation with foreign competition authorities, international antitrust guidelines and other policy, and international investigations and cases.

Implications for Management Researchers. The Division has taken a strong lead in providing its members with the training they critically need in order to effect management practices that ensure maximum efficiency. Managers have absorbed lessons dealing with such issues as motivation and delegation to gain a new appreciation of the critical role they play in the organization. An aspect in the management and leadership of legal work that is providing rich-lead conclusions and innovations to both the Division's senior management and each section and office, conducting evaluations of their operations, assessing managers to their position, strengths and weaknesses. Building on this base, Division management and staff are making both operating methods and improvement suggestions. The Division's members are meeting regularly to discuss how to pursue changes in the management of the Division and throughout various management departments. These efforts have been coordinated. The Division's members are representing its senior management team in all relevant, representative and future management changes and, increasingly, managing changes to improve and enhance the Division's administrative efforts.

- Legislative Ethics Training.** The Division has instituted a comprehensive legislative ethics training program. A legislative ethics course is included on the newly renovated National Institute of Trial Advocacy (NITA) program and included, and all of the Division lawyers and law firm attorneys have participated. As a matter of fact, each of an investigation now routinely conducts a mock hearing prior to the hearing. In addition, the Division held highly successful former Legislative Conference in 1994 and 1995, which allowed the Division's most experienced legislators to meet to discuss particular problems in trying difficult cases and share possible solutions.

Throughout 1992, 1994, 1995, and 1998, the workload of the Artifacts Division has continued to increase phenomenally. The management of this tremendous increase has been addressed through the aggressive recruitment and administration of the Division by its senior staff, managers and administrators, who have overseen the reorganization, restructuring, coordination, and integration of the Artifacts Division in support of the Department's mission. The Division's management has been successful in increasing the workload of the Division and in increasing the number of artifacts processed and the number of artifacts returned to the donor.

Background:

[illegible][illegible]

As far as the authors are aware, no other studies have examined the effects of a combined physical and psychological intervention on the quality of life of patients with a chronic pain condition. The authors of this study have not only examined the effects of a combined physical and psychological intervention on the quality of life of patients with a chronic pain condition, but have also examined the effects of a combined physical and psychological intervention on the quality of life of patients with a chronic pain condition. The authors of this study have not only examined the effects of a combined physical and psychological intervention on the quality of life of patients with a chronic pain condition, but have also examined the effects of a combined physical and psychological intervention on the quality of life of patients with a chronic pain condition.

International (Middle East) Policy. *Wall Street Journal*, April 11/1985. On April 8, 1985, the Division and the FTC jointly issued new Antitrust Enforcement Guidelines for International Operations. In the "United States" role as the world's top exporter and importer, the Guidelines provide the framework to help select international anticompetitive practices that hurt U.S. businesses and consumers. The Guidelines also help American businesses have dealings in the Agencies' international antitrust enforcement policy.

ANTITRUST DIVISION Activities and Experiences

Corporate Leniency Policy Expanded - Issued in August 1965, the revised policy expanded the Division's 1978 policy not only to allow corporations that are the first to disclose their involvement in antitrust violations but also to encourage them to do so in order to receive leniency. The policy was revised to allow corporations to receive leniency if they disclose their involvement in antitrust violations to the Division within 30 days of the time they learned of the violation. The Division also expanded the number of corporations and individuals covered by the policy from 10 to 25 and the number of corporations covered by the policy from 10 to 25.

Individual Leniency Policy - Issued in August 1965, the revised policy expanded the Division's 1978 policy not only to allow individuals that are the first to disclose their involvement in antitrust violations but also to encourage them to do so in order to receive leniency. The policy was revised to allow individuals to receive leniency if they disclose their involvement in antitrust violations to the Division within 30 days of the time they learned of the violation. The Division also expanded the number of individuals covered by the policy from 10 to 25 and the number of corporations covered by the policy from 10 to 25.

Vertical Restraints Guidelines - These Guidelines, which pertained to vertical agreements involving terms within the same chain of distribution of a product, were withdrawn as they were found to be inconsistent with the Sherman Act. The Division has participated in the Administration's working group on legislation to modernize America's antitrust laws. The efforts of this group have led to an initiative to further encourage free entry in all areas of telecommunications, including local exchange service, information services, long distance, and manufacturing, as well as the period of competitive options for voice, data and video communications.

Telecommunications Working Group - The Division has participated in the Administration's working group on legislation to modernize America's antitrust laws. The efforts of this group have led to an initiative to further encourage free entry in all areas of telecommunications, including local exchange service, information services, long distance, and manufacturing, as well as the period of competitive options for voice, data and video communications.

B. Cooperation and Coordination

Coordination with States

The Division's achievement of close working relationships with state enforcement officials represents a major management accomplishment. Division officials took the initiative to establish a dialogue with the state attorneys general and the Federal Trade Commission. This dialogue has resulted in the Division's participation in the Federal Trade Commission's antitrust enforcement program. The Division also provides technical assistance to state attorneys general in the areas of antitrust law. Under the program, the Division provides assistance to the states in their investigations including making available staff attorneys, economists and financial analysts for consultation.

The following cases illustrate recent Federal-State antitrust law enforcement cooperation:

- The Division and the Attorney General's Office of Florida settled a historic, precedent-setting hospital merger case.
- The Division and the Arizona Attorney General challenged the major dental health plan in Arizona's use of a "fixed fee" plan. The plan had the effect of preventing the entry of new dentists into the market. The plan was challenged by the Division and the Arizona Attorney General, which obtained the use of their counsel, has nationwide implications because similar contract provisions are widely used in the health care industry.
- The Division and the Attorney General of Florida and Maryland challenged the merger of two national waste disposal firms. The consent decree requires the divestiture of assets in certain markets in Florida and Maryland and forbids the entry into long-term contracts in certain markets.
- The Division and the Pennsylvania Attorney General completed a joint investigation of resale price maintenance by a national seller of specialty toys for children. The company agreed to pay damages to the Pennsylvania Attorney General for distribution to consumers in the state who purchased the specialty toys and agreed to a consent decree with the Division prohibiting it from, among other things, discussing suggested resale prices with dealers or encouraging adherence to them.
- The Division and the Utah Attorney General's Office coordinated investigations of suspected exchanges of nurse salary information by Salt Lake City-area hospitals.
- The Division and the Attorney General of Connecticut and Massachusetts jointly investigated the merger of two of the largest banks in New England, which resulted in an agreement by the banks to divest 84 branches with total deposits of \$2.2 billion in Connecticut, Massachusetts, New Hampshire, and Rhode Island.

The Division also provides training for state antitrust attorneys and investigators as part of its cooperative efforts with the states. In March 1985, the Division opened its in-house training program to state antitrust attorneys. The Division also conducts seminars and conferences for state enforcement officials. Recent examples are the seminars on general antitrust law principles for the Arkansas Attorney General's Office, a briefing on resale price maintenance for the Indiana Attorney General and her top aides, and a seminar on health care joint ventures for the Texas Attorney General's antitrust staff. Finally, the Division provides technical assistance to state attorneys general in the areas of antitrust law. In the past year, the Division and FTC have explored "common ground" with antitrust officials from over 30 states.

ATTORNEY DIVISION **Activities and Resources**

C. Case-Administration with State Attorneys General and U.S. Attorneys

The Division continues to work vigorously to improve its existing programs of cooperation with federal, state and local law enforcement officials. A key element of this effort is the Division's "cross-designation" program under which federal, state and local prosecutors may be mutually appointed by the Attorney General to prosecute cases involving federal, state or local offenses. This program has two components: (1) the referral of law-enforcement and price-fixing matters with local or regional impact to the states; and (2) the cross-designation of trial attorneys to assist Division attorneys on bid-rigging and price-fixing matters. Such joint enforcement efforts can be very helpful in matters of pecuniary local concern where local resources can ensure more efficient and successful prosecutions.

D. Office Automation

The Division continues its effort to use of automated systems to ensure accurate and timely information and support to its managers and operating staff. In order to provide a continued high level of support to its sections and field offices, the Division has moved aggressively in the use of its on-line microcomputer network for a wide range of purposes, including desktop access to legal and economic research data bases, electronic mail, automated time and attendance reporting for payroll purposes, and management information systems, as well as word processing.

Another essential project included in the program is the development of means to provide increased support to Division professionals when they are working at remote field sites. With the increasing technological sophistication of both Division staff and the business world in general, access to the information developed and stored in the "office" computer is the key to managing and conducting a "remote" office. The Division has developed a program to provide this support. The program provides a "remote" office system that the professional can access to their "home" office system from a remote location. Once the portable terminals are in place, productivity tools can be readily made available to professionals located at the field site. This program will provide a wide range of products that expand office capabilities and improve overall effectiveness and efficiencies. The Division now offers its remote field staffs traditional word processing, legal research, electronic mail, time management, spreadsheet, data storage, retrieval capabilities and gateway to other systems to allow Division staff more effectively to compete with the private bar. This wider range of available tools not only assures a higher quality of analytical and written work, but also assures faster access to information necessary to decision making in all phases of enable field support.

The Division continues its efforts to provide its employees with automated systems capabilities that are complementary with other Departmental components and the core requirements of the need generation of office information systems as identified in the Department of Justice Uniform Office Automation Project.

E. Debt Collection

In support of its overall goal to collect government debts efficiently, the Attorney Division follows systematic and effective procedures for collection of court-imposed fines, penalties and damages. Collection of civil penalties and damages is handled by the Division directly. The Division's civil debt collection program has been highly successful. In 1986, the courts imposed \$8.2 million in civil penalties, damages and interest on individuals and corporations. The Division collected \$27.8 million in criminal fines. Criminal fines and penalties are referred to the U.S. Attorney's offices and handled in accordance with procedures established by the Department's Office of Debt Collection.

ADMINISTRATIVE SERVICES
MARKET-UNIT SERVICES

Private Services

Program	Total Program	Publics	Program	Private Program Expenses			Publics
				For	By	Amount	
Preservation of Competitive Market Structure		1	The American Express is General Manager	30	16	\$2,279	1
Termination and Preservation of Private Capital Behavior		2	Termination and Preservation of Private Capital Behavior	13	7	1,177	2
Policy Analysis, Legislation and Training		3					
Competition Advocacy Activity		4					
Federal Appellate Activity		6					
Management and Administration		6					

Detail of Permanent Positions by Category
Fiscal Years 1986-1988

Category	1986 Authorized	1987 Authorized	1988	
			Base	Program Increase
Total				
Attorneys (600)	73	79	70	70
Paralegal Specialists (650)	25	38	38	38
Other Legal and Kindred (600-699)	5	5	5	5
Social Science, Economics and Kindred (100-199)	21	6	6	6
Gen. Admin., Clerical and Office Services (200-399)	35	34	34	34
Accounting and Budget (500-599)	3	1	1	1
Business and Industry Group (1100-1199)	2	1	1	1
Mathematics and Statistics Group (1500-1599)	1	1	1	1
Total, Direct	165	158	158	158
Washington	16	110	110	110
U.S. Field	149	48	48	48
Total, Indirect	165	158	158	158
Total (Direct Total)	294	297	297	17
Attorneys (600)	170	157	157	20
Paralegal Specialists (650)	11	11	11	11
Other Legal and Kindred (600-699)	28	41	41	41
Social Science, Economics and Kindred (100-199)	122	158	158	6
Gen. Admin., Clerical and Office Services (200-399)	2	4	4	4
Accounting and Budget (500-599)	4	5	5	5
Business and Industry Group (1100-1199)				
Mathematics and Statistics Group (1500-1599)				
Total, Indirect	631	872	872	43
Washington	593	531	531	43
U.S. Field	38	142	142	142
Total, Indirect	631	872	872	43
Grand Total	798	851	851	43
				874

Summary of Activities and Budget Positions
Fiscal Years 1987-1988

	1987 Appropriation Enacted				1988 Budget				1988 Program Change				1988 Request Level			
	Actual	Est.	Chg.	Total	Actual	Est.	Chg.	Total	Actual	Est.	Chg.	Total	Actual	Est.	Chg.	Total
Federal Activities:																
Federal legislative activity	3	3	--	3	3	3	--	3	--	--	--	--	3	3	--	3
Terminal and prevention of private canal behavior	19	18	23	42	40	18	18	22	42	40	--	--	19	18	23	42
Preservation of competitive market structure	41	40	45	86	84	41	40	43	84	86	84	--	41	40	45	86
Policy analysis, legislation and training	6	5	6	11	11	5	5	6	11	11	--	--	6	5	6	11
Competition advocacy program	2	2	3	5	5	2	2	3	5	5	--	--	2	2	3	5
Management and administration	--	--	11	11	11	--	--	11	11	11	--	--	--	--	11	11
Total Direct	70	68	86	154	70	68	86	154	--	--	--	--	70	68	86	154
Federal Activities:																
Federal legislative activity	7	6	5	13	11	7	6	5	13	11	--	--	7	6	5	13
Terminal and prevention of private canal behavior	81	78	86	177	172	81	78	84	177	172	7	4	88	82	102	190
Preservation of competitive market structure	174	171	188	362	367	174	171	188	367	367	10	6	184	179	208	392
Policy analysis, legislation and training	20	18	27	47	48	20	18	27	47	48	--	--	20	18	27	47
Competition advocacy program	12	10	12	24	22	12	10	12	22	24	--	--	12	10	12	24
Management and administration	3	2	47	50	48	3	2	47	50	48	--	--	3	2	47	50
Total Indirect	387	367	376	673	667	387	367	673	667	17	6	13	314	298	423	718
Grand Total	387	368	464	831	811	387	368	831	811	17	6	13	384	364	490	874

Summary of Changes
(Column in thousands)

	Permanent Positions	Workers	Amount
Direct:			
1987 Appropriation enacted	158	154	\$17,542
1988 Blanket	158	154	17,542
1988 Request	158	154	17,542
Indirect:			
1987 Appropriation enacted	529	517	\$8,800
1988 Blanket	529	517	8,800
1988 Request	529	517	8,800
Adjustments to base, indirect:			
Decrease in 1988 funds expended in 1988 to offset the company decrease	34	33	4,000
Decrease in 1988 funds expended in 1988, carried over from 1987	34	33	4,000
Increases:			
1. 1988 Pay Rate	-	-	313
2. Within-Grade Increases	-	-	111
3. Within-Grade Management System	-	-	298
4. Correspondence Management System	-	-	22
5. Investigation/Performance Evaluation	-	-	3
6. Corresponding Unit Adjustments	-	-	23
7. Corresponding Unit Adjustments	-	-	23
Total Increases to base, indirect	34	33	724
Total Adjustments to base, indirect	34	33	724
1988 Blanket, indirect	563	550	\$8,133
Carryover from 1987	110	107	10,200
Additional Program Changes, indirect:			
Termination and Prevention of Private Capital Behavior	13	7	1,177
Preservation of Competitive Market Structures	20	15	2,071
Total Program Changes, indirect	43	22	3,247
1988 Request, indirect	623	577	\$9,377
Carryover from 1987	110	107	10,200
1988 Request, Grand Total	158	154	\$17,542
Direct	158	154	17,542
Indirect	529	517	8,800
Carryover from 1987	110	107	10,200
Grand Total	697	674	\$36,542

Justification of Adjustment in Base
(Dollars in Thousands)

		Permanent Positions	Workyears	Amount
	Initial increase in HSR base savings Decrease 1981 corporate funds	34	33	\$4,000
	Current services operations will be maintained with an increase of 34 permanent positions, 33 workyears and \$4,000,000 in the HSR base and offset by an equal amount of HSR resources is included from the 1981 Corporate from 1987 for a net change of zero.	34	33	\$4,000
	Initial increase			
1.	1988 pay rates			313
	The request provides for the proposed 2.8 percent pay rates to be effective in January of 1988 and is consistent with Administration policy of annual pay increases for the Department's employees. The amount requested, \$313,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$258,000 pay and \$74,000 benefits).			
2.	Annualization and increase of 1987 pay rates			101
	The pay annualization represents 1987 pay rates for the period October through December of the anticipated 1987 pay increase of 2.5 percent. The amount requested, \$101,000, represents the pay amounts for three-quarters of the year (\$77,000 for pay and \$24,000 for benefits).			
3.	Within-grade increases			308
	The request provides for the anticipated increase in costs of within-grade increases. The increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year increments of pay, and other factors. The amount requested, \$308,000, represents the pay amounts for three-quarters of the year (\$237,000 for pay and \$71,000 for benefits).			
4.	Correspondence Management System			22
	An increase of \$22,000 is required in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. The new system provides an interactive tracking capability, the ability for components to access and transfer information electronically, improved record keeping and improved reporting capability.			

		Permanent Positions	Workyears	Amount
	Increases (continued)			
5.	Investigation/Reinvestigation			3
	Executive Order 10450 "Security Requirements for Government Employees" requires that appointments of each officer, "Not or otherwise, in the Department of Defense, shall be subject to a security investigation and clearance process. The Department shall cover the costs of additional contractor support needed to ensure timely compliance with the Executive Order. It is critical to accommodate the Department's security requirements by ensuring investigations and reinvestigations are timely related to newly appointed civilian officers and employees.			
6.	General pricing level adjustments			420
	The request applies OMB pricing guidance to selected agency categories. The increase costs identified result from applying a factor of 2.8 percent against those subobject classes where the prices that the Government pays are established through the pricing system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, pricing costs, transportation costs and utilities.			
	Total increases, indirect			1,948
	Total adjustments to base indirect	34	33	73.48

Post Fund		1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
Post	Fund	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grades and salary ranges									
Professional Salaries (1996 \$50,000)									
Executive Level IV \$115,700									
ES-4	150,360								
ES-5	155,760								
ES-6	110,070								
ES-7	108,280								
ES-8	105,880								
ES-9	100,880								
ES-10	95,031								
GS-14	82,475								
GS-15	88,267								
GS-16	94,486								
GS-17	97,200								
GS-18	101,442								
GS-19	105,880								
GS-20	110,070								
GS-21	115,700								
GS-22	120,000								
GS-23	125,000								
GS-24	130,000								
GS-25	135,000								
GS-26	140,000								
GS-27	145,000								
GS-28	150,000								
GS-29	155,000								
GS-30	160,000								
GS-31	165,000								
GS-32	170,000								
GS-33	175,000								
GS-34	180,000								
GS-35	185,000								
GS-36	190,000								
GS-37	195,000								
GS-38	200,000								
GS-39	205,000								
GS-40	210,000								
GS-41	215,000								
GS-42	220,000								
GS-43	225,000								
GS-44	230,000								
GS-45	235,000								
GS-46	240,000								
GS-47	245,000								
GS-48	250,000								
GS-49	255,000								
GS-50	260,000								
GS-51	265,000								
GS-52	270,000								
GS-53	275,000								
GS-54	280,000								
GS-55	285,000								
GS-56	290,000								
GS-57	295,000								
GS-58	300,000								
GS-59	305,000								
GS-60	310,000								
GS-61	315,000								

Summary of Expenditures for Grants and Global Change
(Values in thousands)

Direct	1989 Actual		1987 Estimate		1988 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
Direct								
11.1 Full-time permanent	143	89,263	136	87,887	136	88,218		831
11.2 Other than full-time permanent	54	1,232	26	84	26	1,008		42
11.3 Other personnel compensation	7	148	2	84	2	84		4
11.4 Special personnel service payments								
11.5 Total, employees and personnel compensation	184	90,643	164	88,855	164	89,310		42
12 Personnel benefits								
12.1 Pension (former personnel)		17,365	138	8,375	138	8,306		-377
12.2 Pension (current personnel)		1,824	2	1,874	2	1,874		
12.3 Travel and transportation of persons		125	1	40	1	40		
22 Travel and transportation of freight		125						
22.1 GSA rent		181		140		140		
22.2 Rental payments to others				2,248		2,248		
22.3 Other transportation, utilities & miscellaneous charges				2		2		
24 Printing and reproduction		424		610		610		
25 Advisory and assistance services		482		133		133		
25.1 Other services		482		748		748		
25.2 Purchase of goods and services from Government accounts		1,745		1,222		949		-553
26.4 Operation of GOCO's		140		348		348		
26.5 Research and development contracts		44		35		35		
26.6 Maintenance and repair contracts		254		148		148		
26.7 Operations and maintenance of equipment		150		238		238		
26.8 Sublease and support of persons		27		282		282		
26.9 Supplies and materials								
26.10 Other								
42 Insurance claims and indemnities								
Total obligations		18,473		17,542		17,542		
Relation of obligations to outlays:								
Obligations		18,473		17,542		17,542		
Obligation balance, start of year				7,153		4,441		
Obligation balance, end of year		-7,153		-4,441		-4,441		
Outlays		11,148		26,257		18,038		

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

In brief	1986 Actual		1987 Estimate		1988 Request		Increased/Decreased	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grades and salary ranges POSITIONS: 1,025 (see schedule)								
Executive Level IV \$116,700								
ES-4	1	1	1	1	1	1	-	-
ES-3	1	1	1	1	1	1	-	-
ES-2	1	1	1	1	1	1	-	-
ES-1	1	1	1	1	1	1	-	-
GS-15	1	1	1	1	1	1	-	-
GS-14	1	1	1	1	1	1	-	-
GS-13	1	1	1	1	1	1	-	-
GS-12	1	1	1	1	1	1	-	-
GS-11	1	1	1	1	1	1	-	-
GS-10	1	1	1	1	1	1	-	-
GS-9	1	1	1	1	1	1	-	-
GS-8	1	1	1	1	1	1	-	-
GS-7	1	1	1	1	1	1	-	-
GS-6	1	1	1	1	1	1	-	-
GS-5	1	1	1	1	1	1	-	-
GS-4	1	1	1	1	1	1	-	-
GS-3	1	1	1	1	1	1	-	-
GS-2	1	1	1	1	1	1	-	-
GS-1	1	1	1	1	1	1	-	-
Locality pay								
1987 Pay rates								
1988 Pay rates								
Total Appointed positions	444	29,226	473	41,313	718	48,798	43	4,497
Pay above stated annual rate								
Lapse	-3	-164	-136	-4,068	-166	-4,886	-21	-1,844
Savings due to lower pay scales for part of year								
Net L.S.-line permanent	441	29,134	436	33,153	660	36,797	22	3,614
Other than permanent								
Part-time permanent	8	560	27	585	27	510	-	25
Temporary positions	102	3,346	92	3,873	92	3,827	-	154
Other permanent compensation	4	372	11	506	13	623	2	117
Overline								
Other compensation								
Net L.S.-line permanent	565	33,460	566	37,817	682	40,827	24	3,810
Net L.S.-line permanent compensation								
Average GS Salary	12.4	110,478	11.7	113,363	11.7	113,966		
Average GS Salary		80,337		87,230		86,373		
Average GS Salary								

Summary of Disbursements for Grants and Object Class
(Dollars in thousands)

Object Class	1989 Actual		1987 Estimate		1988 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent	441	\$29,134	538	\$35,153	540	\$36,787	23	\$2,614
11.2 Other than full-time permanent	110	5,828	119	4,258	119	4,437	179	179
11.3 Other personnel compensation	4	367	11	508	13	623	2	117
11.4 Total personnel compensation	555	35,329	668	39,919	662	41,847	25	2,810
12 Personal benefits		8,817		8,342		9,062		740
13 Benefits to former personnel		445		1,826		2,023		197
21 Travel and transportation of persons		381		810		801		100
22 Travel and transportation of freight		12,511		9,754		10,512		758
23.1 OGA net				11		10		-1
23.2 Rental payments to others								
23.3 Communications, utilities & miscellaneous								
34 Printing and reproduction		1,773		2,255		2,295		40
35.1 Advisory and assistance services		308		877		981		4
35.2 Other services		3,358		2,251		3,092		-159
35.3 Purchase of goods and services from contractors		7,833		5,305		5,865		560
35.4 Operation of OCOOs		4		398		398		-
35.5 Research and development contracts		751		1,285		1,164		-41
35.6 Medical care		281		647		688		72
35.7 Equipment and maintenance of equipment		1,425		1,487		1,479		-3
35.8 Maintenance and support of persons		2,186		1,141		1,534		393
36 Supplies and materials								
37 Equipment								
41 Insurance claims and indemnities								
Total obligations		71,522		74,908		80,008		5,095

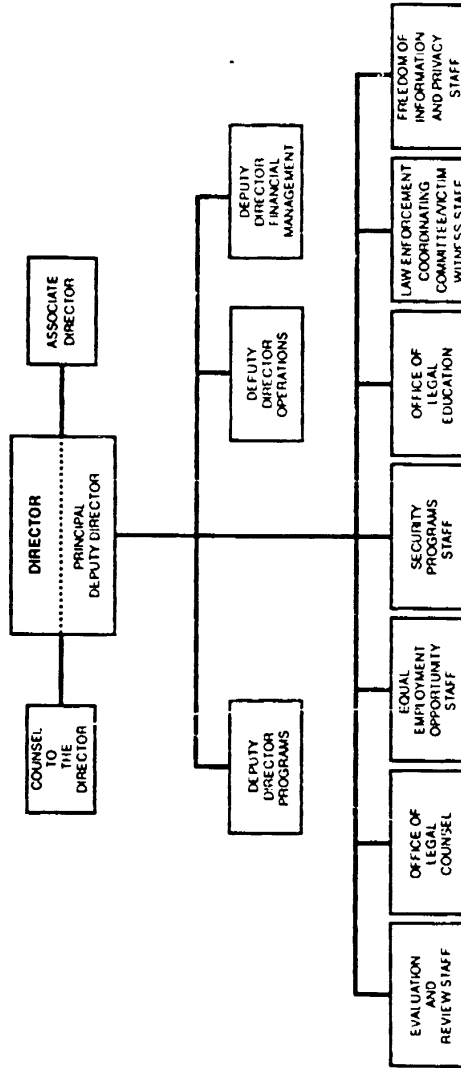
of 1988 includes \$19,376,000 Hart-Scott-Rodino premerger filing fee funds carried over from 1985.
 of 1987 includes \$16,000,000 Hart-Scott-Rodino premerger filing fee funds carried over from 1986.
 of 1988 includes \$16,000,000 Hart-Scott-Rodino premerger filing fee funds anticipated carryover from 1987.

Department of Justice
United States Attorneys
Estimates Fiscal Year 1998

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EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS



UNITED STATES ATTORNEYS
Salaries and expenses
Summary Statement

Fiscal Year 1998

The United States Attorneys are requesting, for 1998, a total of 8,856 positions (including 4,197 attorneys, 8,946 workyears, and \$4,016,817,000). This request represents an increase of 826 positions (including 220 attorneys), 318 workyears, and \$57,853,000 above the 1998 base.

The United States Attorneys are the principal litigators for the United States Government. It is their task to prosecute those who violate our nation's laws, to protect the public from those who would illegally further their private interests at the expense of the general welfare, to protect the legitimate powers of the Federal Government from those who would usurp those powers, and to assert policies established by the Congress, the Administration and the Attorney General.

The United States Attorneys' appropriation presently consists of four decision units. They are: Criminal Litigation; Civil Litigation; Legal Education; and Management and Administration. This request will establish an additional decision unit, State and Local Training. The request for each decision unit is discussed below.

CRIMINAL LITIGATION:

Criminal litigation is conducted by 94 United States Attorneys' offices, each of which has the responsibility for the investigation and prosecution of a wide-range of criminal violations. The United States Attorneys' request includes an increase of 496 positions (including 172 attorneys), 249 workyears and \$40,202,000 to: prosecute major terrorism cases; continue efforts to address drug, immigration and official corruption cases arising from the Southwest Border; implement the President's anti-drug initiatives; enhance efforts against organized crime groups; initiate new efforts in child support recovery cases; meet required victims rights mandates; and, address the critical needs of the District of Columbia Superior Court function. These include: efforts to reduce gang violence; begin vertical prosecution of domestic violence felony cases and accommodate the monumental increase in misdemeanor prosecutions; investigate and prosecute cold homicide cases; expand community out-reach programs; and finally, repair the infrastructure of the United States Attorney's Office for the District of Columbia.

The United States Attorneys are tasked with the prosecution of violators of the nation's criminal laws. In meeting this mandate, the United States Attorneys maintain the flexibility to implement priorities of the Administration, the Attorney General, and also to address emerging crime trends. The principal programs are:

district. They work with federal law enforcement agencies, other federal agencies, state and local agencies, and violent crime task forces to ensure that law enforcement resources are effectively coordinated to address the problems in their districts. The United States Attorneys also work with other federal agencies, state and local agencies, and community agencies and groups to implement crime prevention programs. Closely tied to the Violent Crime program is the Narcotics and Dangerous Drug program. Violence is a common means to settle disputes and protect territory by those involved in the drug trade. Operation Seed and Seed continues to be used by United States Attorneys in a two-pronged strategy to remove violent gangs, drug dealers and other violent offenders from the community, and then assisting in providing stimulus for economic freedom. The United States Attorneys are committed to providing continuing leadership in these innovative efforts.

The Official Corruption program addresses one of the Department of Justice's most vital tasks because such corruption corrodes the democratic process and the peoples' faith in their public servants. These cases continue to be a high priority of the United States Attorneys because of the impact of these cases in the overall scheme of our government.

The Organized Crime program addresses investigations and prosecutions of those individuals who, as members of organized criminal groups, terrorize their victims through extortion, bribery, kidnapping and murder. The focus of this program has expanded beyond the traditional organized crime groups to include all organized gangs, youth gangs, and other gangs which are growing at an alarming rate.

The Economic Crime program is responsible for the prosecution of violators of federal laws traditionally considered white-collar crimes. Frauds, particularly bank fraud, bankruptcy fraud, health care fraud, insurance fraud, telemarketing fraud, and government program fraud continue to rise and are of major concern to the United States Attorneys. A variety of other fraud prosecutions are included in this program. In addition, criminal prosecutions in appropriate environmental crime cases are a critical component of this program.

The Other Crimes program covers a broad range of crimes, including civil rights violations, hate crimes, sexual assault, child abuse and molestation, violations of immigration laws, and recovery of child support from delinquent parents. The United States Attorneys have placed a renewed emphasis on this program.

The Asset Forfeiture program provides a critical law enforcement tool to take away the profits earned through criminal activity and therefore, dismantle the infrastructure of organized criminal groups.

The Appeals program ensures that conviction and sentences obtained in district courts are defended and upheld.

CIVIL LITIGATION:

Civil litigation is conducted by 94 United States Attorneys' offices, each of which has the responsibility to protect and advance the interests of the United States Government through representation of our client agencies and protection of the United States Treasury from claims against it. The United States Attorneys' request includes an increase of 118 positions, 60 workyears and \$9,300,000 to improve the defense of the United States against certain monetary claims, protect the financial interests of the United States through the assertion of the Federal Government's commercial interests in defensive litigation, and implement the Electronic Freedom of Information Improvements Act of 1996 in the United States Attorney's Office for the District of Columbia.

The principal defensive litigation programs are:

The Affirmative Civil Program protects the Federal fisc through the conduct of aggressive affirmative litigation. This area includes Health Care, Medicare, Securities and Insurance fraud, and Environmental cases. The United States Attorneys have established Affirmative Civil Enforcement (ACE) teams in 37 districts with 110 positions funded by the Three Percent Fund. The ACE program has produced positive results from both a law enforcement and monetary recovery perspective. Effective law enforcement against white-collar fraud and the protection of public funds require flexible and timely use of the full range of civil and criminal remedies. The ACE program fights fraud quickly and effectively, working with investigative agencies and criminal prosecutors. The ACE program produces tremendous financial dividends for the United States. Beyond the financial recoveries, ACE cases have a major impact on the regulatory community by advancing agency goals. The success of these programs protects the medical system, food stamp programs, and other government-funded programs.

The Other Affirmative Civil Litigation program aggressively tracks and litigates fraud against the government.

In the Debt Collection program, the United States Attorneys collect monies from individuals and entities who owe the Federal Government billions of dollars in unpaid civil, criminal and tax debts; and, enhance enforcement and collection by the Federal Government of claims for monetary penalties against individuals and entities who violate the federal civil statutes. The Federal Debt Collection procedures Act of 1990 opens up many avenues for collecting money.

LEGAL EDUCATION:

The Legal Education program is committed to improving the quality of legal representation and services provided by Executive Branch attorneys and support staff employed by the federal government. The program provides basic programs in federal practice for newly hired attorneys, specialized courses in substantive areas of law, and advocacy skills. The United States Attorneys request includes 9 positions (2 attorneys), 6 FTE, and \$6,137,000 to activate the National Advocacy Center and enhance legal training provided to Department of Justice and Executive Branch attorneys and support staff.

STATE AND LOCAL TRAINING

This program will provide resources to enable the National District Attorneys Association (NDAA) to co-locate their training program for state and local prosecutors and allied professionals at the MAC. The request includes \$2,097,000 to provide operating funds for the NDAA's participation at the MAC.

MANAGEMENT AND ADMINISTRATION

The Management and Administration program encompasses all of the Executive Office for United States Attorneys (EOUSA) with the exception of the Office of Legal Education. The EOUSA provides general assistance and supervision to the 94 United States Attorneys' offices, and coordinates with the other organizational units of the Department under the direction of the Deputy Attorney General. The request includes an increase of 5 positions, 3 workyears and \$17,000 to reduce Freedom of Information Act/Privacy Act request backlogs and implement the Electronic Freedom of Information Improvement Act of 1996.

United States Attorneys

Salaries and expenses

Justification of proposed changes in Appropriation Language

The 1998 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, United States Attorneys

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, and cooperative (\$23,340,000) of which not to exceed \$2,500,000 shall be available until September 30, (1998) for the purpose of (1) providing training (or) personnel for the Department of Justice in debt collection, (2) providing services to the Department of Justice related to labor relations and their property, (such as title searches, debtors' exemption statements, credit reports, and the collection of assets), (3) paying the costs of the Department of Justice for the sale of real property (not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title searches and surveying costs), and (4) paying the costs of processing and tracking debts owed to the United States Government; Provided, That of the total amount appropriated not to exceed \$8,000 shall be available for official reception and representation expenses; Provided further, That not to exceed \$10,000,000 for automated litigation support contracts shall remain available until expended; Provided further, That \$1,900,000 for the supervision of the International Brotherhood of Teamsters national election, shall remain available until expended; Provided further, That in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed \$,832 positions and 8,936 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys) That not to exceed \$6,000,000 for office move-up, relocation and transportation shall remain available until September 30, 1999. Provided further, That not to exceed \$8,000,000 for the design, development and implementation of an information systems strategy for D.C. Superior Court shall remain available until expended. Provided further, That not to exceed \$7,100,000 for the operation of the National Advocacy Center shall remain available until expended.

Explanation of Changes: Several simplifying or clarifying deletions (and one addition, the word "net") are proposed. These changes are not intended to make substantive changes. In addition the following changes are proposed.

1. The first change facilitates the move of the Office of Legal Education to South Carolina.
2. The second change increases the amount available for expenditure in FY 1998.
3. The third change makes the debt collection funds available through FY 1999.
3. The fourth change provides multi-year flexibility to fund all costs associated with a move or renovation at the planning stage.
5. The fifth change provides language for the development and implementation of a long range information systems strategy in the Superior Court operations of the United States Attorney for the District of Columbia without fiscal year constraint.
5. The sixth change provides multi-year flexibility to fund operating expenses for activation of the National Advocacy Center.

United States Attorneys
 District of Columbia
 Comparison of 1997 Categories
 (Dollars in thousands)

Direct	1997 President's Budget Request		Congressional Appropriation Action on 1997 Request		Transfers		Reprogramming		1997 Appropriation	
	Pos	Amount WY	Pos	Amount WY	Pos	Amount WY	Pos	Amount WY	Pos	Amount WY
Criminal Litigation	6,205	6,361	(45)	(27)	(89,973)	\$5,453			6,180	\$600,495
Civil Litigation	1,953	2,054			(3,521)	3,821			1,953	218,223
Legal Education	27	28			(24)				27	7,408
Management and Administration	188	215	(3)	(1)	(1,521)				185	37,360
Sub-total	8,373	8,658	(48)	(23)	(85,039)	\$9,274			8,325	\$943,514

Congressional Appropriation Action on 1997 Request. Congress provided an increase of \$10,900,000 to enhance the security of the organization and \$1,900,000 for the supervision of the International Brotherhood of Teamsters election. The request for additional resources for White Collar Crime, Immigration and other infrastructure needs were denied.

United States Attorneys
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

	1998 Actual			1997 Estimate			1998 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Collections by Sources:												
Community Relations/DOJ			860			860			860			
Criminal Division			873			873			873			
Department of Housing & Urban Development			528			528			528			
Department of the Interior			528			528			528			
Department of the Treasury			104			104			104			
Executive Office for OCEDE	887	838	75,287	887	847	75,287	887	847	77,592			2,305
Federal Bureau of Investigation			75			75			75			
Federal Trade Commission			200			200			200			
Justice Management Division			338			338			338			
National Institutes of Justice			25			25			25			
Office of Justice Programs			120			120			120			
Office of Professional Responsibility			111			111			111			
Office of the Deputy Attorney General			52			52			52			
Office of the Independent Counsel			1,891			1,891			1,891			
U.S. Department of Agriculture			144			144			144			
Counter-Terrorism Fund			2,801			2,801			2,801			
U.S. Nuclear Regulatory Commission			451			451			451			
Working Capital Fund-3% Fund			15,864			15,864			15,864			
Budgetary Resources	887	924	\$99,050	887	955	\$99,050	887	955	\$101,355			\$2,305

**United States Attorneys
Salaries and Expenses
Government Performance and Results Act Requirements
Program and Performance**

Mission: The mission of the United States Attorneys is twofold. First the United States Attorneys prosecute violations of federal criminal law and ensure that the "...guilty are punished and the innocent are freed...". In the performance of this mission, the United States Attorneys must act vigorously to protect the public interest while ensuring that individual offenders are defended and upheld. The United States Attorneys are the nation's litigators representing the United States and its various agencies in civil and equity actions and, as appropriate, administrative matters. In this capacity, they must protect the public health and safety, see that just claims against the United States are paid while defending the Treasury from excessive or unwarranted claims and damages, and collecting those monies due and owing the public Treasury.

Organizational Goals:

1. To identify, prosecute, and convict those persons and legal entities who have committed offenses against the laws of the United States.
2. To maintain a strong and unswerving presence in the appellate courts, ensuring that the convictions and sentences obtained against criminal offenders are defended and upheld.
3. To protect and to advance the interests of the United States through the conduct of affirmative and defensive civil litigation.
4. To collect monies owed the United States which cannot be collected through administrative means.
5. To provide high quality and cost effective basic, specialized and continuing legal education for the Department attorneys and support staff.
6. To provide high quality continuing legal education programs to Executive Branch attorneys.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
Input	*1a. Percentage of total attorney workyears devoted to priority program areas.	37.93%	39.60%	39.92%	40.29%	41.27%
	*1b. Total attorney workyears devoted to priority program areas	1034.29	1164.34	1215.50	1234.50	1285.50
	1c. Percentage of total attorney workyears devoted to Organized Crime Drug Enforcement Task Force (OCDEF) prosecutions.	16.80%	14.93%	14.46%	14.37%	14.13%
	1d. Total attorney workyears devoted to Organized Crime Drug Enforcement Task Force (OCDEF) prosecutions.	458.23	438.82	440.16	440.16	440.16
Output/Activity	2. Annual percentage of all DOJ criminal prosecutions and criminal appeals handled collectively by the United States Attorneys' offices.	95.00%	95.00%	95.00%	95.00%	95.00%
	3. Percentage of non-fugitive criminal cases pending for two years or less.	75.06%	75.13%	75.13%	75.11%	75.97%
	4.					
Intermediate Outcome	5.					
	6.					
End Outcome	7.					
	8.					
Productivity/Efficiency	9.					

<p>A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your programs.</p>	<p>Performance Indicator 1a and 1b: Percentages/numbers displayed here include total of all criminal attorney workyears devoted to violent crime, official corruption, health care fraud, telemarketing fraud, computer crime (high technology), non-OCDETF drugs, organized crime, and immigrating enforcement priority program areas, as well as the District of Columbia Superior Court.</p> <p>Performance Indicator 1c and 1d: The Organized Crime Drug Enforcement Task Force (OCDETF) budget is prepared separately from the rest of the United States Attorneys' operating budget. We have included this information here as separate line items because OCDETF is a priority program area for the United States Attorneys and consumes a substantial portion of available criminal workyears. It should be noted, however, that FY 1997 and FY 1998 targets do not account for any increases in OCDETF resources because such resources are accounted for separately in the OCDETF GPRA Performance Measurement Table.</p> <p>Performance Indicator 2: Only non-fugitive pending cases are included here since fugitives cannot be prosecuted until they are located and apprehended.</p>
<p>B. Factors Affecting FY 95 Program Performance: Describe reasons for any significant differences between target levels of performance and estimates of actual performance, whether positive or negative</p>	<p>None</p>
<p>C. Factors Affecting Selection of FY 96 and 97 Targets: Provide information on the selection of target levels of performance, where necessary.</p>	<p>The United States Attorneys' caseloads/goals can be affected by a number of factors including available resources; available resources in investigatory agencies, and changes in their enforcement methods and other resources; changes in statutory, regulatory, and case laws; changes in ethical and professional standards; changes in Administration and Department priorities; changes in rates or types of crime; changes in the court/prison systems; and changes in local and state governments and their policies.</p> <p>Performance Indicator 1: Projected increases in FY 1998 target levels are based on a calculation of the expected increase in attorney workyears over the existing number of attorney workyears devoted to priority program areas. These percentage increases have been adjusted to reflect the time required to hire new attorneys and for new attorneys to be able to handle a full complement of cases.</p>

* Designates an indicator covering a requested FY 1998 program change. A performance indicator and target must be set for the results that will be achieved should resources be received.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL				
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
Input	1. Number of yearly civil cases filed or responded to by the United States Attorneys' offices.	85,316	83,321	87,917	87,917	88,907
	*2a. Percentage of total attorney workyears devoted to priority program areas.	22.96%	22.58%	23.89%	23.89%	23.36%
	*2b. Total attorney workyears devoted to priority program areas.	202.10	208.67	231.66	231.66	231.66
	*2c. Percentage of total attorney workyears devoted to defensive civil litigation.	42.07%	45.63%	46.18%	46.18%	47.37%
	*2d. Total attorney workyears devoted to defensive civil litigation.	370.36	421.67	447.85	447.85	469.85
Output/Activity	3. Annual percentage of all DOJ civil litigation and civil appeals handled collectively by the United States Attorneys' offices.	75.00%	75.00%	75.00%	75.00%	75.00%
	4. Percentage of civil cases pending for two years or less.	71.23%	71.14%	71.14%	71.14%	72.39%
	5. Ratio of total annual monetary collections of all United States Attorneys' offices to the total United States Attorneys' operating budget.	2.34:1	1.25:1	1.25:1	1.25:1	1.25:1
	6. 7. 8.					
Intermediate Outcome						

End Outcome	9.						
Productivity/ Efficiency	10.						
Productivity/ Efficiency	11.						

A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your program.

Performance Indicator 2a and 2b: Percentages/numbers displayed here include workyears devoted to affirmative civil enforcement and debt collection assistance priority program areas.

Performance Indicator 2c and 2d: Percentages/numbers displayed here include only those workyears devoted to defensive civil litigation. While defensive civil litigation is not deemed a priority program area, per se, this information is presented because it is mandatory that the United States Attorneys defend the government's interests in all lawsuits filed against the United States. No increases are seen in the FY 1997 target for defensive civil litigation because no increase in resources is expected.

B. Factors Affecting FY 95 Program Performance: Describe reasons for any significant differences between target levels of performance and estimates of actual performance, whether positive or negative.

None

C. Factors Affecting Selection of FY 96 and 97 Targets: Provide information on the selection of target levels of performance, where necessary.

Performance Indicator 1: The United States Attorneys' caseload/goals can be affected by a number of factors including resources; available resources in client agencies and changes in client agency policies; changes in statutory, regulatory, and case laws; changes in ethical and professional standards; changes in Administration and Department priorities; changes in the number and type of suits against the United States and in the number and type of debts owed to the United States; and threats to public health and safety.

Performance Indicator 1 and 2: Projected increases in FY 1998 target levels are based on a calculation of the percentage increase in expected attorney workyears over the existing number of attorney workyears devoted to the priority program areas. This percentage increase has been adjusted to reflect the time required to hire new attorneys and for new attorneys to be able to handle a full complement of cases.

Performance Indicator 3: Collections are projected to continue to increase with the advent of affirmative civil enforcement. However, these levels are not projected to equal FY 1994. FY 1994 collections included six exceptionally large recoveries.

* Designates an indicator covering a requested FY 1998 program change. A performance indicator and target must be set for the results that will be achieved should resources be received.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

DECISION UNIT: Office of Legal Education									
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS						
Type of Indicator			1994 Actual	1995 Actual	1996 Target	1996 Estimate	1997 Target	1998 Target	
Input	Performance Indicators								
	1. FTE on board		26	26	26	26	27	36	
Output/Activity	2. Courses conducted								
	- live courses		169	170	170	158	180	100	
	- videotaped courses		96	96	100	54	100	100	
	3. Number of instructor days								
	- live courses		6,748	7,392	7,500	6,603	7,850	5,239	
	- videotaped courses		na	na	na	na	na	na	
Intermediate Outcome	4. Number of student days								
	- live courses		34,019	37,642	38,000	28,533	39,900	34,903	
	- videotaped courses		1,574	631	700	865	1,000	1,000	
End Outcome									
Productivity/Efficiency	5. Average number of student days per FTE on board		1,369	1,472	1,483	1,131	1,515	997	
A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your programs.									
Instructor/Student Days - These indicators represent the number of instructors/students attending the course multiplied by the length of the course.									
B. Factors Affecting FY 96 Program Performance: Describe reasons for any significant differences between target levels of performance and estimates of actual performance, whether positive or negative.									
Total student and instructor days were affected significantly by the government shutdown.									
C. Factors Affecting Selection of FY 97 and 98 Targets: Provide information on the selection of target levels of performance, where necessary.									
In FY 1997, one additional FTE will be added. In FY 1998, nine additional FTE have been requested. Three month shutdown to move to NAC.									
Designate an indicator covering a requested 1998 program change. A performance indicator and target must be set for the results that will be achieved should resources be received.									

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Victim Witness Assistance Program								
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS						
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target		
Input	FTE	87	76	84	388	461		
Output/Activity	*1. Districts providing all victims notice of pretrial release/detention status of defendant. *2. Districts consulting all victims concerning pre trial status, court proceeding and pleas. *3. Districts notifying victims of violent crime of the right to allocate in court. *4. Districts informing victims of procedure to follow in order to receive restitution. *5. Districts advocating the interest of victims at sentencing.	N/A	N/A	57	75	85		
		N/A	N/A	46	65	85		
		N/A	N/A	84	88	91		
		N/A	N/A	77	84	88		
		N/A	N/A	88	91	92		
End Outcome								
Productivity/ Efficiency	*6. Percent of districts providing all victims of pretrial release/detention status of defendant. *7. Percent of districts consulting all victims concerning pre trial status, court proceeding and pleas. *8. Percent of districts notifying victims of violent crime of the right to allocate in court. *9. Percent of districts informing victims of procedure to follow in order to receive restitution. *10. Percent of districts advocating the interest of victims at sentencing.			61	81	91		
				50	70	91		
				90	95	98		
				83	90	95		
				95	98	99		
A. Definitions of Terms or Explanations for Indicators:								

		<p>B. Factors Affecting FY 96 Program Performance. Describe reasons for any significant differences between target levels of performance and estimates of actual performance, whether positive or negative.</p>		
		<p>C. Factors Affecting Selection of FY 97 and 98 Targets. If the requested FTE levels are not funded for coordination and advocate those targets cannot be achieved.</p>		

Designates an indicator covering a requested (WY) program change. A performance indicator and target must be set for the results that will be achieved should resources be received.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

DECISION UNIT: Management and Administration - EOUSA - Human Resources/Administration									
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target			
Input	1. Budget/FTE requests received - FMS 2. Number of budgets requiring development and justification - FMS 3. Number of personnel actions requested - PS 4. Number of formal/informal complaints received - EEO	235 15 4,288 50	356 15 4,707 85	531 15 4,700 90	610 15 4,911 100	687 15 5,132 110			
Output/Activity	5. Budget/FTE requests reviewed - FMS 6. Number of budget submissions prepared - FMS 7. Number of personnel actions completed - PS 8. Number of formal investigations/informal counseling initiated - EEO 9. DBM transaction/FTE letters issued - FMS 10. Personnel actions completed - PS 11. Formal investigations/informal counseling initiated - EEO	235 15 4,288 90 1,232 4,288 37	356 15 4,707 85 1,357 4,707 66	531 15 4,700 90 1,802 4,700 83	610 15 4,911 100 2,072 4,911 95	687 15 5,132 110 2,365 5,132 106			
Intermediate Outcome									
End Outcome									
Productivity/Efficiency	12. Dollars managed per analyst - FMS (dollars in thousands) 13. Percentage of processing errors to actions processed - PS	n/a n/a	67,880 n/a	71,193 10 %	76,437 10 %	81,023 10 %			

<p>A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your program.</p> <p>FMS - Financial Management Staff PS - Personnel Staff EEO - Equal Employment Opportunity Staff FTE - Full-time equivalents. DBM - Distributed Budget Module, a module available in the Financial Management Information System, and used by EOUSA to distribute district budgets, and by the districts to transfer and manage their budgets. Processing Errors - Any serious error that results in the need for manual pay of an employee through issue of a Quick Service Request.</p>
<p>B. Factors Affecting FY 96 Program Performance Describe reasons for any significant difference between target levels of performance and estimates of actual performance, whether positive or negative.</p>
<p>C. Factors Affecting Selection of FY 97 and 98 Targets. Provide information on the selection of target levels of performance, where necessary.</p> <p>The Report of the National Performance Review calls for dramatic decentralization and delegation of personnel systems to agencies. At the same time that development of human resource support systems are being thrust upon agency personnel offices, personnel positions have been specifically targeted by the Administration for dramatic reduction. The combination of increased program responsibility with decreased support will negatively affect attainment of program goals.</p> <p>Explain an indicator covering a reported 1991 program change. A performance indicator and target must be set for the results that will be achieved should resources be received.</p>

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

DECISION UNIT: Management and Administration - EOUSA - IRM		PERFORMANCE TARGETS AND ACTUAL					
PERFORMANCE INDICATOR INFORMATION		RESULTS					
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target	
Target	Performance Indicators 1. Systems relocations requested-OAS 2. New server system installations scheduled-OAS 3. Phoenix upgrades scheduled by district/site-OAS 4. JCON installations scheduled-OAS 5. ALS assistance inquiries-OAS 6. Special report requests received by CMS 7. Monthly extract tapes received by CMS from USAOs for caseload and collections 8. Monthly automated submissions of USA-5/5A received by CMS 9. Requests received by DAS for data analysis - DOJ components - Office of Director and EOUSA components - USAOs - Other government agencies and general public 10. Requests for warrants or assistance on SENTRY or NCIC applications-TTD 11. Telecommunications systems acquisition requests-TTD 12. Installation of video teleconferencing equipment planned-TTD	24 7 na na 150 518 1,407 62 na na na na 1,450 na na	43 1 na na 180 562 1,356 80 30 60 120 138 30 1,600 60 17	23 14 26/58 na 200 988 1,284 91 60 120 380 60 1,675 45 94	32 33 68/57 na 240 980 1,000 93 70 130 390 60 1,490 45 122	22 6 na 54/119 250 1,075 600 94 70 400 65 1,502 45 0	

Output/ Activity	13. Site visits to review space for systems-OAS	na	na	37	60	100
	14. ALS project analysis provided-OAS	100	130	150	175	190
	15. Contractor background investigations initiated-OAS	205	336	97	175	100
	16. Site visits for ALS assistance-OAS	12	15	11	14	20
	17. Number of ALS task orders issued-OAS	107	124	75	88	101
	18. Special report produced-CMS	518	524	698	650	540
	19. Processing of consolidated master (in days)-CMS	34	32	31	24	15
	20. ORACLE applications converted to Windows 4.5-CMS	na	na	5	8	0
	21. Number of employees trained in LIONS	na	na	0	4,000	6,000
	22. Systems relocations completed-OAS	24	43	23	32	22
	23. New server system installations completed-OAS	7	1	14	33	6
	24. Phoenix upgrades completed by district/site-OAS	na	na	26/58	68/157	na
	25. JCON installations completed-OAS	na	na	na	na	54/119
	26. Installation of LIONS-CMS	na	na	0	94	0
	27. Data analysis reports issued-DAS	na	308	620	640	665
	28. Userids or assistance on SENTRY or NCIC-TTD	1,450	1,600	1,675	1,490	1,502
	29. Installation of telecommunications equipment-TTD	na	60	45	45	45
	30. Installation of video teleconferencing-TTD	na	17	94	122	0
Intermediate Outcome						
End Outcome						
Productivity/ Efficiency	31. Dollars (in thousands) spent per COTR for ALS-OAS	1,893	1,977	2,000	2,050	2,101
	32. Number of network servers procured/managed per OAS program manager	na	40	47	76	76
	33. Percent of USAOs with video teleconferencing	na	5	23	100	100
A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your programs.						
OAS - Office Automation Staff; CMS - Case Management Staff; DIAS - Data Analysis Staff; TTD - Telecommunications and Technology Staff; ALS - Automated Litigation Support; LIONS - Legal Information Office Network System is the United States Attorneys new case management system; JCON - Justice Consolidated Office Network						
B. Factors Affecting FY 94 Program Performance. Describe reasons for any significant difference between target levels of performance and estimates of actual performance, whether positive or negative.						
C. Factors Affecting Selection of FY 97 and 98 Targets. Provide information on the selection of target levels of performance, where necessary.						
If Phoenix installations are delay, the target of 94 installs for LIONS may not be met. Programs as indicators covering a reported 1991 program change. A performance indicator and target may be set for the results that will be achieved should resources be received						

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

DECISION UNIT: Management and Administration - EOUSA - Law and Policy						
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL				
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
Input	1. FOIA/PA requests received 2. New FOIA litigation cases 3. Requests for office security installation-SPS 4. Requests for assistance-SPS 5. Number of threats received-SPS 6. Background investigations initiated-SPS 7. District evaluations included by EARS 8. Adverse actions received-LCS 9. MSPB cases-LCS 10. EEO cases-LCS 11. Grievances filed-LCS 12. Financial Disclosure Reports reviewed-LCS 13. Records requested-LCS 14. Request for representation-LCS	2,509 59 30 203 na 660 30 80 na na 39 1,730 104 170	3,313 58 35 406 284 1,754 30 140 13 35 45 1,602 139 170	3,050 47 40 569 245 410 34 160 24 40 60 1,850 160 180	3,500 50 40 425 270 510 31 170 30 45 55 1,900 180 185	3,900 50 45 425 297 610 31 180 35 50 70 2,000 190 190

Output/ Activity	15. FOIA/PA requests completed	2,222	3,817	2,500	3,181	5,306
16. FOIA litigation cases settled	43	51	45	60	70	70
17. Number of security project design-SPS	55	55	45	45	45	50
18. Number of security design and assistance visits-SPS	28	58	60	75	75	75
19. Evaluation visits scheduled-EARS	29	27	34	31	31	31
20. Followup visits scheduled-EARS	na	na	27	34	31	31
21. Assistance visits scheduled-EARS	na	na	12	16	17	17
22. Visits to district-LCS	8	5	10	15	20	20
23. Hearings-LCS	2	1	4	5	7	7
24. Number of procurement requests prepared-SPS	203	406	569	425	425	425
25. Number of evaluators trained-EARS	na	364	115	280	280	280
26. Backlog of FOIA/PA requests end-of-year	1,061	517	1,087	1,406	0	0
27. Backlog of FOIA litigation cases end-of-year	116	121	125	115	105	105
28. Number of security installations-SPS	55	114	105	105	105	105
29. Number of personal protection installations-SPS	41	61	50	55	60	60
30. Number of clearance actions completed-SPS	660	1,754	410	510	610	610
31. District evaluations closed out-EARS	91	79	32	32	32	32
32. Adverse actions taken-LCS	66	110	120	130	140	140
33. MSPB cases closed-LCS	9	10	32	35	30	30
34. EEO case closed-LCS	na	30	35	45	45	45
35. Grievances completed-LCS	30	36	40	45	50	50
36. Financial Disclosure reviewed-LCS	1,730	1,602	1,850	1,900	2,000	2,000
37. Recalls decided-LCS	104	139	160	180	180	180
38. Representation requests completed-LCS	120	170	180	180	180	180
Intermediate Outcome						
End Outcome						
Productivity/ Efficiency						
39. Percent of FOIA/PA acknowledgements within 10 days	70	90	60	97	100	100
40. Percent of FOIA litigation answers filed with 30 days	80	85	90	95	100	100
41. Number of days to process clearances-SPS	120	150	90	90	60	60
42. Percent of evaluations closed out within EARS parameters	na	77	95	100	100	100
43. Percent compliance rate - EARS	na	97	98	99	99	99

<p>A. Definitions of Terms or Explanations for Indicators: Clarify potentially confusing terms. Assume a low level of familiarity with your program.</p>	<p>FOIA - Freedom of Information Act/Privacy Act Staff; LCS - Legal Counsel Staff; EARS - Evaluation and Review Staff; SPS - Security Programs Staff; EEO - Equal Employment Opportunity; MSPB - Merit Systems Protection Board; EARS personnel - Evaluations are to be closed out (all actions completed, including follow-up and completion of the Final Significant Observations and Executive Summary) within one year of the evaluation site visit. Compliance rate - Amount of compliance by the USAOs with the findings and recommendations in the evaluation reports.</p>
<p>B. Factors Affecting FY 96 Program Performance. Describe reasons for any significant differences between target levels of performance and estimates of actual performance, whether positive or negative.</p>	<p>FOIA FY 96 target for new litigation cases was reduced from 50 to 47 as a result of more timely responses to FOIA/PA requests. FOIA/PA Staff lost two productive, trained staff members who have not been replaced. Hiring temporary support staff for August and September 1996 has helped to reduce the backlog. Each person on FOIA/PA Staff lost eight weeks of productivity due to the government shutdown. All EOUSA Staffs lost some productivity due to the government shutdown.</p>
<p>C. Factors Affecting Selection of FY 97 and 98 Targets. Provide information on the selection of target levels of performance, where necessary.</p>	<p>Temporary staff for FOIA is being hired to assist with litigation on an emergency basis.</p>
<p>Designates an indicator covering a reported 1998 program change. A performance indicator and target must be set for the results that will be achieved should resources be received.</p>	

United States Attorneys
Salaries and Expenses
Justification of Program and Performance Information
(Dollars in thousands)

ACTIVITY: CRIMINAL LITIGATION

	Perm. FSA.	VX	Amount
1997 Appropriation Anticipated	6,160	6,339	\$675,042
1998 Base	6,163	6,342	693,198
1998 Estimate	6,659	6,521	733,240
Increase/Decrease	496	249	\$ 40,042

BASE PROGRAM DESCRIPTION: The United States Attorneys are responsible for the investigation and prosecution of a wide range of criminal activities. The offices handle approximately 95 percent of the criminal cases prosecuted by the Department of Justice. The United States Attorneys receive most of their criminal case referrals, or "matters," from federal investigative agencies or become aware of criminal activities in the course of investigating or prosecuting other cases. They also receive criminal referrals from state and local law enforcement agencies. After consideration of criminal matter, the United States Attorney decides the relevance of bringing criminal charges and, when deemed appropriate, initiates prosecution. Except for misdemeanor offenses and instances in which an alleged offender waives the right to a grand jury indictment, the United States Attorney presents evidence against an alleged offender to a grand jury. The grand jurors decide whether to return an indictment. If an indictment is returned, the United States Attorney then presents the criminal charges in open court at the arraignment of the defendant.

Although historically, only about 12 percent of all criminal defendants are disposed of by trial, the United States Attorneys must always be prepared to go to trial. Consistent preparation for trial minimizes the risk of dismissal for noncompliance with the Speedy Trial Act and strengthens the government's position in negotiations with defense counsel for a guilty plea. When a guilty plea is not obtainable, a trial becomes necessary. The United States Attorney then presents factual evidence to convince the jury or the judge in a nonjury trial, of the defendant's guilt. If the defendant is found guilty, the United States Attorney decides the appropriate level of punishment to be imposed. The United States Attorneys' offices handle most criminal appeals at the intermediate appellate level. After filing a brief, the United States Attorney may be required to participate in oral argument before the United States Court of Appeals. If there is a further appeal, the United States Attorneys may be called upon to assist the Department's litigating division and the Solicitor General in preparing the case for review by the United States Supreme Court.

The criminal litigation program objectives are accomplished through the work of 94 United States Attorneys' offices, each of which has responsibility for the investigation and prosecution of a wide range of criminal behavior.

ACTIVITY: CIVIL LITIGATION

	Perm. FTEs	MY	Amount
1997 Appropriation Anticipated	1,953	2,054	\$214,402
1998 Base	1,953	2,054	221,477
1998 Estimate	2,071	2,114	230,277
Increase/Decrease	118	60	\$ 9,300

BASE PROGRAM DESCRIPTION: The United States Attorneys serve as the attorneys and counselors for the United States in civil litigation. Their workload in the civil field includes providing competent legal representation to respond to civil actions brought against the United States, aggressively pursuing civil enforcement of federal laws and regulations, and efficiently recovering federal financial resources. Both affirmative and defensive civil representation are of vital concern to the United States Attorneys as both activities preserve, protect, and defend the interests of the United States and federal resources.

Civil matters and cases consume a significant portion of the United States Attorneys' resources, especially in the areas of recovery of money, defense of monetary claims and debt collection. The litigation brought against the Government covers a range of causes of action, including tort (damage suffered as a result of Government action--e.g., collision with a postal service vehicle, malpractice by a Government physician, invasion of privacy by a Government agent), the determination of social security benefits, tax refunds, contract violations, race, sex, and age discrimination, and habeas corpus. The Government also initiates civil litigation against private parties for a wide range of purposes. These purposes include the recovery of money taken from the Government by fraud, the acquisition of interests in land by eminent domain proceedings, the enforcement of administrative summonses, the enforcement of environmental, admiralty, civil rights and other laws for which there are civil law penalties, and the recovery of debts owed to the Government.

The civil litigation program objectives are accomplished through the work of 94 United States Attorneys' offices, each of which has responsibility to respond promptly and professionally to all suits brought against the United States, its officers, and employees, and to collect monies owed to the United States.

ACTIVITY: MANAGEMENT AND ADMINISTRATION

	Perm. FSA	WT	Amount
1997 Appropriation Anticipated	185	214	\$37,390
1998 Base	185	214	38,523
1998 Estimate	190	217	38,700
Increase/Decrease	5	3	\$ 177

BASE PROGRAM DESCRIPTION: The Executive Office for United States Attorneys (EOUSA) was created on April 6, 1993, by Attorney General Order No. 8-33, to meet a need for a closer liaison between the Department of Justice in Washington, DC, and the United States Attorneys. The EOUSA is under the supervision of the Deputy Attorney General.

The mission of the EOUSA is to provide general executive assistance to the 94 Offices of the United States Attorneys; and to coordinate the relationship between the United States Attorneys and the organization components of the Department of Justice and other Federal agencies.

The major functions of the EOUSA are to:

- Facilitate coordination between the Offices of the United States Attorneys and other organizational units of the Department of Justice.
- Evaluate the performance of the Offices of the United States Attorneys, making appropriate reports and taking corrective action where necessary.
- Publish and maintain a United States Attorneys' Manual and a United States Attorneys' Bulletin for the internal guidance of the United States Attorneys' offices and those other organizational units of the Department concerned with litigation.
- Supervise the operation of the Office of Legal Education (the Attorney General's Advocacy Institute and the Legal Education Institute) which develops, conducts, and assists in the training of all Department of Justice legal personnel and other Federal legal personnel.
- Provide the Attorney General's Advisory Committee of United States Attorneys, and all of its subcommittees, with such staff assistance and funds as are reasonably necessary to carry out the Committee's responsibilities.
- Provide support to the Deputy Attorney General regarding United States Attorney appointments.

- Plan and execute United States Attorneys' conferences and other conferences in the direct support of the United States Attorneys' management of their offices.
- Provide general direction and supervision of the management and policy activities of the United States Attorneys' financial litigation programs, including the establishment of policy and procedures for debt collection activities, affirmative civil enforcement and bankruptcy litigation, litigative and technical support, training, publication of a newsletter, coordination and implementation of legislative initiatives and the establishment of guidelines, advice, and other guidance.
- Establish, coordinate, and interpret policy, guidelines, and procedures on criminal fine collection issues.
- Provide general legal interpretations, opinions, and advice to United States Attorneys in areas of recalls, cross-designations, outside activities, representation, allegations of misconduct, adverse actions, grievances, labor relations, and ethical and conflict of interest questions.
- Provide general support to the United States Attorneys in matters involving Assistant United States Attorney and Special Assistant United States Attorney appointments.
- Promote, facilitate, and monitor programs within the Offices of the United States Attorneys designated by the Attorney General as priorities of the Department.
- Provide overall administrative management oversight, technical and direct support to the United States Attorneys in the program areas of facilities management (to include acquisition of real property/space, construction, renovation, repair and relocation); and support services programs (to include personal property management, small purchases procurement, motor vehicle support, telephone system, printing and records disposition).
- Provide overall management oversight, technical and direct support to the United States Attorneys in the area of security programs (to include physical security, information security, communications security, security awareness and safety).
- Analyze, design, and provide automated services and systems in support of the litigation mission and of selected administrative functions of the United States Attorneys' offices including development, implementation, and monitoring of policies and programs for office automation, systems development activities and data base maintenance.
- Arrange for the acquisition and installation of integrated office automation systems in the Offices of United States Attorneys.
- Develop case management systems and provide user assistance for the case management systems and litigation support for the United States Attorneys' offices.

- Provide technical support to users of automated systems in the Offices of United States Attorneys to manage and support the acquisition and maintenance of office automation equipment.
- Design, program, and support the operations and software for caseload and collections systems and administrative/litigative applications in the districts and the central systems, provide technical assistance, produce the annual Statistical Report, and monitor the quality of the data of the Office of United States Attorneys.
- Provide operating personnel and security administrative services, as well as Federal personnel policy and procedural guidance to the 94 United States Attorneys' offices located nationwide, including the development and administration of an Administratively Determined (AD) pay system for attorneys.
- Support the Offices of United States Attorneys in the conduct of their Law Enforcement Coordination Program as directed by the Attorney General. This includes providing technical assistance in preparing systems materials and other technical assistance for LECG-related functions acting as liaison with the LECG/VW Subcommittee of the Attorney General's Advisory Committee, and the promotion of the LECG Program throughout the Federal and local government.
- Serve as the liaison on Victim-Witness assistance activities within the Offices of the United States Attorneys, supporting the United States Attorneys in their work relating to these matters.
- Provide budget and fiscal assistance and guidance to the 94 Offices of United States Attorneys.
- Track, provide, and analyze data related to the work of the United States Attorneys' offices in the development of budget and litigative priorities.
- Respond to requests under the Freedom of Information Act and Privacy Act on behalf of the Offices of United States Attorneys, coordinate and respond to litigation arising from these matters and provide advice and training to the United States Attorneys' staffs relating to FOIA/PA.
- Provide centralized leadership, coordination, and evaluation of all equal employment efforts throughout the Offices of United States Attorneys--administering both the Affirmative Action and Complaints Processing Programs.
- Respond to inquiries from members of Congress and private citizens and review and comment on legislative and regulatory proposals relating to the activities of the Offices of United States Attorneys.
- Provide technical, administrative, design, and maintenance support in the area of video telecommunications to enhance cooperative efforts among the Offices of United States Attorneys and the Litigating Divisions of the Department.
- Provide information and guidance to United States Attorneys' offices on pending legislation pertinent to the work of the United States Attorneys' offices; prepare testimony and background for Congressional oversight and appropriations hearings.

ACTIVITY: LEGAL EDUCATION

	Perm. Pos.	WX	Amount
1997 Appropriation Anticipated	27	26	\$7,406
1998 Base	27	26	7,406
1998 Request	26	24	12,903
Increase/Decrease	9	6	6,237

BASE PROGRAM DESCRIPTION: The Office of Legal Education (OLE) develops, conducts, and authorizes the training of all Federal legal personnel [28 C.F.R. §0.22 (1990)]. OLE coordinates all legal education and attorney training for the Department of Justice and all other departments and agencies of the Executive Branch. OLE pursues its mission through the administration of two institutes--the Attorney General's Advocacy Institute (AGAI) and the Legal Education Institute (LEI). These institutes carry distinct, yet compatible, training missions. Attendance at AGAI courses is usually restricted to Department of Justice personnel, while LEI training programs are open to all Executive Branch personnel.

Public Law 102-140 provided authority and funding to "accommodate the relocation of OLE to a site on the campus of the University of South Carolina where legal education training shall be provided to Federal, state, and local prosecutive and litigative personnel. A required education program to the Appropriations Subcommittees submitted a report concerning the relocation of the OLE. A relocation site was identified and a cooperative agreement was executed between the Department and the University on July 19, 1993. An architectural and engineering design contract was executed between the Department and Robert A.M. Stern and Wilson/Tate Architects in calendar year 1993. A contract for construction management services was signed early in calendar year 1994 and a construction contract was awarded in calendar year 1996. Construction is underway and classes are tentatively scheduled to begin in April 1998.

AGAI is the primary vehicle for providing instruction to Department of Justice attorneys and Assistant United States Attorneys from the 94 United States Attorneys' offices located throughout the 50 states, the District of Columbia and the territories of Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands. In addition, AGAI extends an invitation through the National Association of District Attorneys and the National Association of Attorneys General to state and local prosecutors who express an interest in attending advocacy and Federal practice courses. Basic programs for newly hired attorneys include criminal, civil, asset forfeiture advocacy, appellate courses, Federal practice seminars, and specialty seminars. Priority substantive areas of the law, Advocacy skills programs are also available for attorneys with litigation or prosecutive experience who are new to the Federal legal system. AGAI also provides continuing education for attorneys with litigation or prosecutive experience. The Federal program includes seminars for state and military prosecutors, and as continuation training for Department attorneys after the basic criminal, civil, and asset forfeiture advocacy courses.

AGAI uses experienced Federal trial and appellate attorneys as instructors for all its programs to present lectures, lead discussion groups, direct evidentiary exercises, and offer personalized critiques. Federal judges also participate at AGAI's advocacy courses, presiding over mock trials and mock appellate arguments.

The caliber of the AGAI faculty and the use of sophisticated videotaping facilities provide students with unique training experience in trial and appellate advocacy. A significant feature of the advocacy training is the use of "learn-by-doing" exercises which concentrate on courtroom skills. The exercises simulate courtroom activities and provide students with classroom critiques and individual video replay analysis. AGAI holds seminars at its "headquarters" as well as other locations around the United States. Finally, the large attorney work force has resulted in high demand for attorney management training for senior criminal and civil attorneys. AGAI has helped to meet that challenge by providing management courses for attorney supervisors of all levels in the United States Attorneys' Offices.

AGAI operates a videotape lending library for United States Attorneys' Offices. Select courses offered by AGAI are videotaped and made available upon request. In addition, commercially produced tapes by recognized legal experts have been purchased by AGAI, and the tapes are sent to United States Attorneys' Offices upon request to supplement their in-house training programs.

LBI directs its programs on Federal civil and administrative law and practices to all attorneys in the Executive Branch, including those in the Department. LBI offers training in civil discovery and trial techniques, negotiation techniques, administrative law areas such as bankruptcy, the Freedom of Information Act, ethics, environmental law, Federal employment, regulatory processes, government contracts, legal research and writing for attorneys, management of attorneys, and computer law. These courses are held at both the LBI facility, located in Washington, D.C., and local facilities (which accommodate 100 to 350 students). LBI also provides a "learn-by-doing" method of instruction and evidentiary trial skills for agents and attorneys. The Department of Justice, through the Administrative and Evidentiary Trial Skills Course, provides training for Federal attorneys from all agencies, including the Department of Justice, are participants as well as advisors, curriculum developers, lecturers, and instructors. LBI also contracts with professional educators as instructors.

LBI develops and administers paralegal courses covering basic and advanced skills in both civil and criminal law. These courses are offered to personnel of United States Attorneys' Offices, the Department of Justice, and agencies in the Executive Branch. Support staff training for personnel in United States Attorneys' Offices is provided through LBI, which develops the curricula, recruits instructors, and assists local offices with administering the courses. In addition, LBI operates a videotape lending library which provides commercially produced lectures on advocacy skills to government agencies upon request.

Continuing Legal Education credit is provided through OLE for all OLE courses.

ACTIVITY: STATE AND LOCAL TRAINING

	Perf. Est.	MY	Amount
1997 Appropriation Anticipated			----
1998 Base	--	--	----
1998 Request	--	--	22,097
Increase/Decrease	--	--	\$2,097

The National Advocacy Center (NAC) will become operational in FY 1998. The NAC will provide training to federal, state, and local attorneys. The National District Attorneys Association will implement a continuing education program at NAC for state and local prosecutors and allied professionals. Thus, for the first time, joint training programs will be held for federal prosecutors, civil government attorneys and local prosecutors in areas where they have mutual interests.

INITIATIVES

Perm. Fol.	MY	Amount
30	15	\$3,100

COUNTER-TERRORISM
Criminal Decision Unit

The United States Attorneys are requesting 30 positions (18 attorneys) 15 MY and \$3,100,000 to address the problem of terrorist attacks against the United States and its citizens.

In recent years, domestic and international terrorism have become more commonplace. Until recently, most acts of terrorism took place in the skies, on the high seas, or in foreign countries. The bombing of the World Trade Center and the Murrah Federal Building were a terrifying indication that times have changed.

In response to the rise in terrorism, in August 1995, the Attorney General issued a memorandum directing each United States Attorney to appoint an attorney to serve as the district point of contact for domestic terrorism issues, to assess the domestic terrorism problem in their districts, and to report domestic terrorism matters to the Department on a monthly basis.

The monthly domestic terrorism reports have unveiled a pervasive problem across the country. While the major terrorist attacks such as the World Trade Center and the Murrah Federal Building are the most visible and massive evidence of terrorism, they do not provide the complete picture of terrorism in the United States. The monthly domestic terrorism reports reflect that anti-government militias, tax protestors, and hate groups are becoming more and more visible and active across the United States. Currently, there are approximately 234 active domestic terrorism investigations or prosecutions pending in districts across the country.

Anti-government militia can be found in nearly every state. These groups arm themselves, hold training emphasizing military type maneuvers and often defy the laws of the federal, state and local jurisdictions. In addition, some anti-government groups fund themselves by concocting schemes to defraud banks or other innocent victims.

International terrorism is also a very real threat. In 1994, the FBI reported the emergence of radical international terrorist groups with an infrastructure that can support terrorist activities. These groups are more difficult to infiltrate, and consequently, it is also more difficult to predict and interdict their attacks.

An effective strategy to combat terrorism must include the involvement of prosecutors in the investigative stage. Aggressive investigations could prevent terrorism from occurring or could limit the extent of the harm caused by the terrorism. Regardless of whether the terrorism activity involves a white collar fraud scheme or an act of violence, prosecutors can and should play a role in the investigation.

Depending on the nature of the criminal activity, the prosecutor may be involved in any number of investigative functions: conducting a grand jury investigation; obtaining court orders for pen registers or trap and trace devices; obtaining court orders for Title III's, which would include drafting or reviewing affidavits, filing required reports with the court, and monitoring the progress of the Title III; reviewing consensual tape recordings; advising investigative agents on which direction an investigation should take; and obtaining search warrants, arrest warrants, and indictments. Prosecutors and investigators must work hand in hand, or we will not be successful in our efforts to defeat domestic terrorism.

The Department has undertaken a coordinated strategy to establish procedures for responding to critical incidents and to provide training. In May 1996, the Department established standard procedures to follow should a critical incident occur. Such critical incidents could include acts of terrorism, hostage/barricade situations, acts of civil disorder, and other critical incidents.

During FY 1996, the Department established the Attorney Critical Incident Response Group (ACIRG). The ACIRG is comprised of prosecutor-managers from the offices of the Attorney General, the Deputy Attorney General, the Criminal Division, the Civil Rights Division, and the EOUSA. In addition, line prosecutors were chosen to participate in the ACIRG. When a critical incident occurs, the Attorney General and Deputy Attorney General can select attorneys from the ACIRG to form a team to assist in responding to the critical incident.

During FY 1997, the EOUSA, in conjunction with the Criminal Division's Terrorism and Violent Crime Section and the ACIRG, will host two seminars to train Assistant United States Attorneys from each United States Attorney's office and attorneys from the Department's Investigative Division. Training will include critical incident response, investigation of terrorism, and prosecutive terrorism. Each United States Attorney's office will be assigned to investigate and prosecute terrorism in the district and to instruct each district and affected litigating division on the Department's Critical Incident Response Plan. Approximately 120 attorneys will attend the four day training sessions.

Terrorism cases consume significant resources in United States Attorneys' offices. Until now major terrorist incidents have been handled on an ad hoc basis with whatever existing resources could be obtained. Our experience with three of the most visible cases provides insight into the extent of resource consumption and the way in which resources were obtained:

- World Trade Center Bombing. The Southern District of New York prosecuted this case by reassigning existing resources, primarily from the organized crime program. Eight trial lawyers, two additional attorneys doing legal work, two paralegals, and four secretaries were dedicated to work on the two cases which resulted from this bombing.
- Oklahoma City Bombing. Resources from around the country were sent to the Western District of Oklahoma for the investigation and prosecution of this case. Seventeen United States Attorney personnel including six attorneys have been dedicated to the prosecution of this case. Throughout the investigation, Assistant United States Attorneys advised the agents working on this investigation and sat side-by-side in the Command Post. In addition, non-personnel costs of \$2.457 million in FY 1995, and \$2.592 million in FY 1996, were expended in this case.

• Freeman and the Unabomber. The District of Montana estimates that during FY 1996, it expended the following resources on domestic terrorism cases: four attorney WY for the "Freeman-related" cases; one attorney WY for the "Unabomber" case; and, four support WY. Again, Assistant United States Attorneys were active participants with the agents throughout the investigation of the Freeman-related cases. For FY 1997, they anticipate a 25 percent increase in the resources devoted to these cases. The District used some of its own resources and also received assistance from the Criminal Division to prosecute these cases.

Responding to these large scale attacks requires more than merely sending attorneys to the site of the incident. In response to the Oklahoma bombing, it was necessary to obtain space to set up a command center, obtain and install the equipment, communications, and furniture needed to operate the center, and move the people to the site. Also, these cases often involve large numbers of victims, or families of victims, who must be provided assistance and kept informed of the progress of the case. These needs must be addressed.

Terrorism cases frequently generate spin-off cases, where information gathered during one investigation leads to a completely separate investigation and prosecution. For instance, the Freeman case is not confined to Montana. There are many other related cases that are being prosecuted by other districts.

The Antiterrorism and Effective Death Penalty Act of 1996 broadened the prosecutorial reach of United States Attorneys. Among other things, the Act provides significant new criminal jurisdiction directed at international terrorist acts which occur in the United States and at activities undertaken by citizens of international terrorist organizations. The Act also broadens the jurisdiction of United States Attorneys to include domestic terrorism by adding statutes that increase the protection afforded federal workers and that expand the law relating to explosives; make significant changes to existing restitution law, placing a greater responsibility upon United States Attorneys' offices to seek and collect restitution for victims of crimes. These new responsibilities, though completely welcome and necessary to fight terrorism, will consume existing limited resources.

The investigative agencies have resources assigned to counter-terrorism programs. The FBI has 12 Joint Terrorist Task Forces (JTTFs), with another one scheduled to be formalized in the near future. These JTTFs incorporate federal, state, and local law enforcement to combine resources, and work more efficiently against international and domestic terrorists. According to their FY 1998 budget spring request, the FBI Domestic Terrorism program has a base of 208 workyears. Based on data through April, 1996, approximately 345 agent workyears will be utilized in FY 1996.

The FBI has reallocated agents from other programs to the terrorism program. Some of these resources were reallocated from counter-intelligence programs that did not have a significant impact on the United States Attorneys' workload. Now that these resources are devoted to the terrorism program we are beginning to see the impact on United States Attorneys' workloads.

The Omnibus FY 1997 Appropriations Act, enacted on September 30, 1997, provides significant resources to the FBI for counter-terrorism initiatives. No increases for prosecutors were provided for Counter-Terrorism. The Act includes 587 additional FBI agents for enhanced counter-terrorism investigators to establish and equip a center to identify, investigate, and counter illegal electronic intrusion into government computer

networks and the national information infrastructure. These investigations will yield a significant workload for the United States Attorney. The United States Attorney will be able to provide the form of prosecutors and support staff to respond to the increased activity generated by the additional FBI personnel and resources.

The United States Attorneys cannot continue to address terrorism cases on an ad hoc basis. The growing threat of terrorism requires that dedicated resources be available to investigate and prosecute these cases without interrupting or harming other important programs or investigations. As the lead federal law enforcement official in a district, the United States Attorney must take a more proactive role and work with the federal, state and local law enforcement agencies in developing coordinated and cooperative strategies to address terrorism.

NARCOTICS AND DANGEROUS DRUGS		
Criminal Decision Unit		
Perm.	MY	Amount
FEBL		
56	28	\$5,161

The United States Attorneys are requesting 56 positions (37 attorney), 28 MY, and \$5,161,000 in support of our Narcotics and Dangerous Drugs program. These resources will reduce the availability and abuse of illegal drugs through traditional and innovative enforcement efforts.

President Clinton's The National Drug Control Strategy, 1995, discussed the important achievements that have been made in this nation's war against drugs, however, guarded optimism was also expressed. The strategy specifically expressed concern over the rise in popularity of methamphetamine and the expansion from regional usage into other areas of the country. Methamphetamine abuse has increased substantially in the last few years. The number of emergency room episodes involving methamphetamine tracked by the Drug Abuse Warning Network increased over 750 from 1991 through 1994. The abuse of methamphetamine will replicate crack cocaine abuse in devastating ways. An estimated four million persons in the United States have used methamphetamine at least once in their lives.

The Department's strategy on narcotics includes the following: to continue to direct Federal investigative and prosecutorial resources toward drug trafficking organizations that are international or multi-jurisdictional in scope; to honor the commitments we have made to other nations to combat the international drug trade; and, within the United States, the federal government is in the best position to coordinate and implement attacks against large international drug organizations, such as the Cali Cartel.

On April 29, 1996, the President announced the Administration's National Methamphetamine Strategy. This Strategy addresses the methamphetamine problem through diverse approaches, including law enforcement efforts, international cooperation, environmental protection and public awareness and education. The trafficking and abuse of methamphetamine is a growing national problem.

The United States Attorneys' offices will continue to play a significant role in the strategy to combat the spread of this drug by pursuing trafficking organizations, especially violent ones, and those who operate the dangerous and clandestine laboratories that manufacture methamphetamine. Their primary focus is on

high-level targets who are also involved in significant money laundering and other organized criminal activities. The United States Attorneys continue to work with law enforcement agencies to identify drug traffickers and the methods they use to bring methamphetamine into this country from Mexico.

As an initial step in implementing the national strategy, United States Attorneys are meeting with federal, state and local law enforcement leaders and public health officials to address the methamphetamine problem. This will involve assessing the threat of methamphetamine in their districts. If such a threat exists, they will develop a comprehensive plan to attack the threat through a combination of law enforcement efforts, education and public awareness.

The United States Attorneys devoted substantial resources to the prosecution of all drug cases during FY 1996. All drug prosecutions consumed 29.7 of all criminal workyears. Non-OCDETF drug prosecutions consumed 13.7 percent of criminal workyears.

A total of 8,992 cases were filed against 15,837 drug defendants--a 5.6 percent increase in cases filed over FY 1995. These cases represented 37.5 percent of all criminal cases filed during FY 1996. The average number of cases handled per attorney workyear increased from 43.9 in FY 1993 to 49.3 in FY 1996. The average number of defendants handled per attorney workyear increased from 81.2 in FY 1993 to 90.5 in FY 1996. The average number of drug defendants in matters received handled per attorney workyear increased from 82.7 in FY 1993 to 88.2 in FY 1996.

Of all drug defendants whose cases were terminated during FY 1996, 86.7 percent were convicted, an increase over the FY 1995 rate of 85.2 percent. Of those convicted, 88.3 percent received prison sentences. Of these, 65 received life sentences. Of the 11,063 defendants sentenced to prison, 4,290, or 38.8 percent, were sentenced to five years or more. In addition to the drug numbers just cited, 1,101 cases filed against 2,246 violent crime offenders during FY 1995 also included drug charges. It must be understood that, now, more than ever before, there is an overlap of criminal activities in the cases handled, such as with drugs, gun, gang, and violent crime. This overlap is particularly evident in non-OCDETF drug cases. During FY 1996, 16,614 in FY 1996 to 7,292 in FY 1998. Total projected non-OCDETF referrals, as stated by agencies who anticipate referrals in this area, are estimated to grow from 13,950 in FY 1996 to 14,855 in FY 1997, and up to 16,265 in FY 1998. This constitutes an increase of 16.6 percent from FY 1996 to FY 1998.

Based on the United States Attorneys' case management system data and information provided by federal client agencies that generate referrals in this area, the number of drug matters to be referred to the United States Attorneys will steadily increase from FY 1996 through FY 1998. The workload of drug cases to be addressed in FY 1998 is projected to increase 22% over the FY 1996 workload (for non-OCDETF drug trafficking).

This request is tied to the enhancements approved by the Attorney General for the FBI and DEA. The FBI is requesting 50 Agents for its drug initiative and the DEA is requesting 12 Agents to combat the increased usage of heroin, and 60 Agents to disrupt the expansion of methamphetamine throughout the country. The resources requested in this area are critical to the success of the national strategy. In addition, the resources requested in the national strategy are necessary for the United States Attorneys to ensure that they can meet the mandates of the President's National Drug Control Strategy. Strategy on drugs.

VICTIM-WITNESS ASSISTANCE
Criminal Division Unit

Perm. Pos.	NY	Amount
134	67	\$10,488

The United States Attorneys are requesting 134 positions, 67 NY, and \$10,488,000 to support the mandates of the Attorney General's Guidelines for Victim and Witness Assistance, 1995. The request consists of five elements which are discussed in the paragraphs below.

National Notification System

The United States Attorneys are requesting \$1 million for the development of a nationwide victim notification system. Notification of victims and witnesses of the events of a case is the most rigorous and time-consuming step in the process. A survey of the notification systems currently employed in the United States Attorneys' offices disclosed that none are adequate for expansion to a nationwide system. Therefore, the development of a nationwide victim notification system will streamline the process and is a cost-efficient approach to ensure that the victims of crime throughout the nation are notified of events in their cases.

The cost estimate of \$1 million was reached after consultation with a company that is currently implementing this system at the local level. The estimate includes system development, implementation and training.

Additional 52 Victim-Witness Coordinators

The role of Victim-Witness Coordinators has greatly expanded with the rapidly moving continuum toward comprehensive rights and services for all victims of crime. The initial legislative response to the growing needs of victims and witnesses was to provide services to crime victims where possible. Subsequent legislative acts required that services be provided, and a federal Crime Victims Bill of Rights was created. Currently, there is a proposed Constitutional amendment for victims' rights pending in both the House and the Senate. If enacted, this would guarantee a wide array of rights and services to all victims of crime.

The Victim-Witness Coordinator in each United States Attorney's office establishes procedures for compliance with the mandates of the Attorney General's Guidelines, and the Coordinator will ensure that systems are in place to identify and notify victims. It is not possible for Coordinators to become actively involved in each criminal case having a victim. However, they do become actively involved in all serious violent crime matters and massive fraud cases. They are responsible for ensuring that victims receive the rights to which they are entitled and for managing the witnesses in cases.

The number of victim and witnesses in federal cases has increased dramatically as criminal provisions have expanded to such issues as securities fraud, telemarketing fraud, and domestic violence. This increase will continue as fraud initiatives such as Seniors Against Marketing Scams are initiated. Prosecutions involving children as victims or witnesses are the most time-intensive and have very special requirements. In each

case, the child must be provided consultation with a multi-disciplinary team alternatives to in-court testimony/ competency examinations; privacy protection; a closed courtroom if necessary; a victim impact statement; a guardian ad litem; an adult attendant; a speedy trial; and testimonial aids.

Many white collar cases involve thousands of victims. For example, the Southern District of Texas is preparing to prosecute a telemarketing fraud case involving 29,000 victims, and the District of Nevada's Senior Sentinel Telemarketing Case involved 3,500 victims. Each of these victims must be notified of any changes in case status, i.e., arraignment, plea, verdict and sentencing. Each victim also must be given the opportunity to submit a victim impact statement or testify at sentencing. The Victim-Witness Coordinator must maintain files concerning mandatory restitution.

The Oklahoma City bombing case is a prime example of the resources required for advocacy in a multi-victim case. The United States Attorney's office for the Western District of Oklahoma expanded its Victim-Witness Assistance Unit from one to six full-time employees in order to provide services to the 2,000 victims registered in the database. It is important to note that of the 166 people who were directly affected by the bombing, 150 were injured, and 150 others were also victims of the crime. Victims of crime are not just the individuals who are killed, injured, or threatened. They are also the families of those victims, the businesses that are ruined, and the financial institutions that suffer financial loss.

In addition to the primary responsibility of attending to the needs of victims and witnesses, Victim-Witness Coordinators must involve themselves in victims' issues by participating in organizations and serving on committees that advocate victims' rights. They must also develop relationships with victim service resources in their districts for the purpose of making referrals. In addition, they frequently are called upon to provide victim and witness assistance training to federal, state, and local law enforcement personnel within their districts.

Coordinators in districts having jurisdiction over military installations, Indian reservations, and the District of Columbia are particularly burdened by their caseloads. As allocations for attorney personnel continue to be requested, investigative and protective efforts in these areas, advocates for victims must be included in the equation in order to lessen the gap between the need for services and available resources.

A recent study by the National District Attorneys Association and the National Organization of Victim Assistance estimates that compliance with current mandates would require one victim advocate/coordinator for every six prosecutors. When you apply this standard to United States Attorneys' offices that have a high incidence of violent crime and crime involving children, it is evident that the federal government is far from meeting this requirement. For instance, the United States Attorney's office in the District of Columbia has one victim advocate/coordinator for every 66 attorneys.

Additional 82 Victim Advocates

In order to facilitate a full-service victim-witness program, an additional 82 support personnel will be needed to handle such responsibilities as the entry and maintenance of victims into the notification system database, witness management, and trial coordination. These individuals will assist in the consultation of victims; coordination of victims' attendance at hearings and/or judicial proceedings; involving victims in allocation hearings; and the management of victims and witnesses during the course of the case.

These individuals will free the Victim-Witness Coordinators to serve as true advocates in the districts, and involve themselves to a greater extent in the evolution of victims' issues by participating in organizations and committees that advocate victims' rights. The Victim-Witness Coordinators will also have increased opportunities to develop relationships with victim service resources in their districts for the purpose of making referrals to victims.

The 82 victim-witness advocates would be responsible for the routine administrative work including courtroom scheduling arrangements, travel and housing of witnesses, and notification of victims.

Contract Support

Funding of \$400,000 is requested to support contract assistance to address extraordinary needs in the offices. Specifically, in cases where the Victim-Witness Coordinators are pulled from the normal day-to-day responsibilities of the district, funding is requested to provide for temporary support assistance for the office to handle routine witness responsibilities to ensure the program is maintained.

Funding is requested to support the use of approximately 10 temporary contract personnel in the program.

The funding for the contract personnel will be administered by EOUSA's LECC/VW Staff and will respond to extraordinary needs of the Offices of the United States Attorneys.

Conservation from National Finance Center Plan of Action

Funding of \$1,279,000 is requested to address the immediate need to replace existing collections systems. Recently, the National Fine Center concept was abandoned by the Administrative Office for the U.S. Courts; currently they plan to develop district-based systems. It is unlikely that these systems can be developed and deployed within the next 18 months. Additionally, the PACON system's implementation continues to be delayed. While PACON offers an alternative interim approach to criminal debt collections, there are no guidelines that the Debt Collection Management Office will be able to meet the optimistic goal of beginning implementations in the near future.

Finally, 42 of the largest United States Attorneys' offices currently use case management systems running on minicomputers installed between 1983 and 1987. These case management systems, known as PROMIS and USACTS-II, lack the flexibility and enhancements incorporated in later case management systems, and cannot be upgraded to respond to new initiatives or requirements, including the Year 2000. The last significant

hardware upgrades for these systems occurred in 1989. Repair parts, replacement components, and qualified service technicians are becoming increasingly hard to find. As a result, the hardware has become unreliable and major system problems are more commonplace.

The goal of this project is to develop an interim system using the TALON software as the base, which can be installed in all United States Attorneys' offices as soon as possible. At the same time, the Executive Office's Central Collections System must be updated and modernized.

The TALON software is currently used in 52 United States Attorneys' offices. While the software and platform are state-of-the-art, the application itself is outdated due to changes in the environment in which Financial Litigation Units operate. Because it was to be replaced, the TALON software has not been upgraded to include changes in the law and procedures.

The TALON software will be used as the baseline for a new system, but will be updated to include those changes considered critical to meeting operational and reporting requirements. Once these changes have been identified through a requirements study, the system will be programmed, the data now in PROMIS, USACTS-II and TALON will be converted, and systems managers and users will be trained.

In light of the need for rapid development and implementation of this system--which is designed to serve as an interim system for an indefinite period--the oversight of this project will be made to limit the amount of time to be spent on the development of the system. The oversight of the district's financial litigation function will be centralized in the Department of Justice, and the reporting of collections activities will be fully operational and in place as quickly as possible because of the potential for hardware and software failures in districts with outdated systems.

If this funding is received, it will allow the United States Attorneys to uphold the rights of, and improve services to, America's crime victims, and promote the participation of crime witnesses throughout each stage of criminal and juvenile justice proceedings at the federal level.

ORGANIZED CRIME	Perm.	WY	AMOUNT
Criminal Decision Unit	FOIA		
	41	21	\$3,779

The United States Attorneys are requesting 41 positions (27 attorneys), 21 WY, and \$3,779,000 in support of the Organized Crime program. Our request supports the requested enhancement for the FBI for Organized Crime as well as the Five Year plan for Operation "Heaven's Gate."

The term "organized crime" covers domestic crime groups such as La Cosa Nostra (LCN), but also includes among others, emerging Asian and Russian criminal organizations. If history is any guide, brutality in ethnic communities, if left unchecked, portends the development of more sophisticated crime once these groups sink roots into businesses falling under their control.

La Cosa Nostra remains the foremost organized criminal threat to American society. According to the FBI, there are an estimated 1,200 LCN members and many additional associates nationwide. The center of LCN activity continues to be New York where the Bonanno, Colombo, Gambino, Genovese, and Luchese Families dominate racketeering activities. Current investigations indicate that affiliates of these enterprises are involved in gambling, loansharking, murder, extortion, robbery, hijacking, drug trafficking, gasoline excise tax evasion schemes, telemarketing, and various white collar frauds. The LCN also continues to derive considerable wealth and influence through their domination of the major labor unions and their control over the construction, gaming, maritime, carting, convention center, and garment industries.

In recent years, the FBI has achieved unprecedented success against the LCN. However, according to the FBI, the institutional structure and established criminal network of the LCN remains intact. In fact, less than 10% of identified LCN members have been removed from the ranks of the LCN. Additionally, the FBI has recently learned that information indicates that the Bonanno, Colombo, and Genovese Families have recently indicated or are seeking to induct over 70 new members. Likewise, investigative and intelligence information indicates that LCN families nationwide that were seriously damaged by law enforcement prosecutions are beginning to rebuild their criminal enterprises.

The FBI has implemented an initiative called Operation "Heaven's Gate", which is a five year strategic plan to further reduce the LCN's influence in a variety of industries. Intelligence will be collected, collated, and analyzed utilizing the FBI, intelligence community, and other federal, state, and local information. The goals of "Heaven's Gate" include: significantly reducing the leadership, national influence, and membership of the largest and most powerful families in the LCN's criminal empire; reducing the membership of all other LCN families located in 20 additional U.S. cities through the seizure of assets, special enforcement actions, and through direct investigation of their influence in unions and the previously identified industries; and creating task forces comprised of appropriate federal, state, and local agencies who have investigative jurisdiction and reported to the FBI nationwide. The Attorney General is supporting an increase of 28 FBI agents for this initiative in FY 1998.

In 1993, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs of the United States Senate reported that: "Over the past decade, there has been a substantial increase in Asian organized crime activity in the United States." Today, Asian criminal groups represent a problem of dramatic proportions, both in the United States and internationally. In FY 1989, the FBI reported 77 Asian criminal enterprise cases open; in FY 1993, the number had increased to 220; and, in FY 1995 the number was 242.

Since 1993, Americans have witnessed appalling incidents where illegal Chinese aliens have jumped to their deaths off a smuggling boat in Long Island Sound or have been kidnapped, raped, and tortured in secret holding areas in metropolitan New York City. According to the New York City Police Department, there were no Asian kidnappings prior to 1990. By 1995, more than 50% of the kidnappings in New York City were committed by Asian criminals.

In the Western District of Washington, Asian Organized Crime families have been identified as participating in gambling, prostitution, and illegal narcotic trafficking. Prosecuted recently was a five defendant kidnapping case involving members of the "Snakeheads" Asian Gang. The gang members were also involved with similar kidnappings in Los Angeles and New York City. The Western District of Washington anticipates that as Hong Kong is taken over by mainland China, organized crime will shift to our West Coast.

Russian Organized Crime is a problem that has dramatically increased in the United States. Underground criminal gangs tough enough to have survived the Soviet regime have now surfaced and brazenly extorted control of hundreds of banks and businesses in the Newly Independent States of what used to be the Soviet Union.

While much of "organized crime" in Eastern Europe is of the leg-breaking type, there is definitely a criminal element, especially in Moscow, sophisticated enough and with the right political connections to have transferred billions of dollars of stolen, extorted, and laundered funds from the Newly Independent States into Western banks and businesses, especially in the United States.

In addition, there are Eastern European communities in the United States that have their own traditions of forms of extortion, drug trafficking, loansharking, and fraud. These communities offer perfect havens to major league criminals arriving from Eastern Europe.

It is estimated that 29 Eurasian organized crime groups based in the Newly Independent States operate in the United States, including seven mega-groups based in Moscow. Three of these seven Russian groups are present in New York City, where Eurasian/Russian organized crime is most prevalent. There is also significant Eurasian crime activity in New Jersey, southern Florida, and along the west coast.

In their 1994 organized crime assessments, eight United States Attorneys reported significant Eurasian ("Russian") organized crime activity. This is a big jump from 1992, when "ROC" was reported as significant only in New York state.

The Deputy Assistant Director for the Office of Investigations of the United States Secret Service (USSS), testifying on February 28, 1996, to the U.S. House of Representatives Committee on Banking and Financial Services discussed a Nigerian criminal network. He stated that a Nigerian criminal network has been in place for over the past ten years. Currently, the most prolific fraud scheme being perpetrated by Nigerian Organized Criminal groups is what is known as advance fee fraud. Nigerians, purporting to be officials of their government, banking system, or oil import/export companies, mail or fax letters to individuals and businesses in the United States enticing citizens to partake of million dollar windfalls by responding with personal identifiers such as social security numbers, bank account numbers, and phone numbers. The USSS has a database containing over 20,000 entries of people contacted or victims. A task force consisting of the United States Attorney's Office, United States Postal Inspection Service, and the USSS has identified a large interarchical organized crime network dedicated to advance fee fraud. The network has been estimated to have generated fraud losses of over \$1 billion. Twenty-one members of the conspiracy have been indicted. Estimated potential losses range in the tens of millions for this organization alone.

Prosecution of organized crime cases in the Federal venue offers investigative and litigative benefits that include: long term surveillance; jurisdiction crossing state lines; condensed recording; the Witness Protection Program; and, favorable Federal immunity statutes.

Organized Crime referrals continue to increase. Referrals increased from 383 in FY 1993 to 465 in FY 1996, an increase of 21.4 percent. Cases filed increased by 26 percent from FY 1994 to FY 1996, while defendants increased by 33.5 percent. The conviction rate for FY 1996 was 86.6 percent.

Between FY 1992 and FY 1995, there was an average of 3.1 defendants per case filed. In FY 1996 there were 3.9 defendants per case filed. This was the highest average of any major criminal program category, and is approximately twice the average for all criminal cases, which was 1.52. For those cases which proceeded to trial, there was an average of 6 defendants per case tried.

The workload per Organized Crime Assistant United States Attorney continues to increase. During FY 1996, there were 4.2 Organized Crime cases handled per attorney workload, up from 3.8 in FY 1995, and 3.1 in FY 1994. There was a 32.5% increase in cases handled per workload from FY 1994 to FY 1996.

There was a corresponding increase in the number of defendants handled per workload, which increased from 9.8 defendants per workload in FY 1994, to 11.6 in FY 1995, to 13.2 in FY 1996. The defendants handled per attorney workload increased by 37.7 percent from FY 1994 to FY 1996.

The requested resources will allow us to dismantle the operations of organizations tied to Organized Crime in the United States; assist other nations with the disruption of Organized Crime Groups that operate in the United States and abroad; and, support task forces formed to eliminate Organized Criminal Enterprises.

	Perm.	FY	Amount
CIVIL DEFENSIVE LITIGATION			
Civil Decision Unit	115	58	\$9,140

This initiative requests 115 new positions (44 attorneys), 58 FY, and \$9,140,000 in support of civil defensive litigation in the United States Attorneys' offices to improve the defense of the United States against certain monetary claims, and protect the financial interests of the United States through the assertion of the Federal Government's commercial interests in defensive litigation.

The United States Attorneys' offices defend lawsuits filed against the United States, its agencies, and employees. The attorney workyears devoted to this type of litigation have increased 25 percent from FY 1993 to FY 1996. Additionally, the civil defensive cases being litigated are becoming more complex. This is evidenced by the increase in expert witness fees expended and increased disbursements from the Judgment Fund.

The civil defensive caseload handled by the United States Attorneys' offices has increased by 8.3 percent from FY 1993 to FY 1995 and includes:

- Prisoner litigation (challenges to sentence under 18 U.S.C. 2355, habeas corpus, mandamus, civil rights, torts, and miscellaneous proceedings).
- Discrimination cases (employment discrimination cases arising under Title VII on the basis of race, sex, color, religion or national origin, and other cases pursuant to the Americans with Disabilities Act and the Age Discrimination in Employment Act).
- Tort cases pursuant to the Federal Tort Claims Act (medical malpractice cases, automobile accident cases involving federal employees, slip and fall litigation, and other miscellaneous torts).
- Certain contract actions.
- Litigation arising from the Privacy Act and the Freedom of Information Act.
- Immigration cases.
- Social Security Appeals.
- Bivens cases (cases against individual federal employees for constitutional torts).

The United States Attorneys have no discretion and must represent the United States when it is sued under the various statutory remedies available to the public. This litigation consumes significant resources.

Despite experiencing a large increase in both the complexity and number of civil cases within the last several years, the caseload has been comparable to the increase in litigation resources for civil defensive litigation. While the civil defensive workload is already increasing significantly, statutory changes are and will continue to prompt extraordinary needs for United States Attorneys' offices to keep pace with the litigation demands in prisoner litigation, discrimination actions, and certain tort cases.

Civil defensive litigation attorney workyears increased 32 percent from FY 1993 to FY 1996 (FY 1996 figures represent a projection). The corresponding 8.3 percent increase in civil defensive cases (excluding foreclosure) is primarily the result of the enactment of new legislation which provides additional judicial remedies to various groups of potential plaintiffs.

If these complex actions against the United States are to be resolved promptly and justice is to be served for both the litigants and the United States, additional resources will be needed. The three critical areas that will require additional resources in FY 1998 are discussed below.

1. PRISONER LITIGATION

Violent crime, drug trafficking, and white collar crime initiatives have been priorities for the last several years. Legislative and executive programs implemented to address these problems include the Sentencing Guidelines, Triggerlock, SafeHomes, career criminal initiatives, and the Omnibus Crime Bill. These efforts have resulted in significant increases in criminal prosecutions (in FY 1996, the United States Attorneys Annual Statistical Report indicates that USAOs filed 38,750 criminal cases against 58,141 defendants, a 4% increase in cases filed, and a 2% increase in the number of defendants filed against over FY 1995) and concomitant increases in incarcerations. United States Attorneys' civil divisions have been impacted by a resulting significant increase in prisoner litigation.

The nation's federal prison population has risen with the inception of the federal sentencing guidelines from 36,001 in 1984 to 105,463 in 1996. The Bureau of Prisons (BOP) projects a total prison population of 140,613 by year 2005, an increase of 31.3 percent. By FY 1998, the BOP projects an inmate population of 117,252, a 11.1% increase over 1996. These increases will necessitate the construction of additional correctional facilities in a number of districts. Six new facilities are expected to open in 1996 with 16 other facilities opening between 1998 and 2000. By 2000, the BOP expects to add an additional 25,000 beds to its various facilities, and 3,000 more by the year 2001.

As the prison population and the numbers of facilities increases, a steady increase in civil suits filed by prisoners in federal facilities is occurring that shows no potential for decline. These cases include 2255a (challenges to sentence), habeas corpus, mandamus, civil rights, torts, and miscellaneous proceedings. In fact, there has been a 59.04 percent increase in the number of challenges to sentencing since FY 1987. When a court action is filed by a prisoner against the United States, the USAOs have no discretion and must defend or resolve the matter even in what may appear to be the most trivial or frivolous suit (e.g., lost commitment and medical records, denial of visitation, etc.). These suits are often filed by prisoners on constitutional issues that are not readily amenable to disposition and demand significant attorney and paralegal resources. Complex cases brought by prisoners include Bivens actions as well as medical malpractice, religious freedom, and second-hand smoke cases that require significant litigation resources.

The projected increase in prison population between now and 1998 is 14,460. The Administrative Office of the U.S. Courts (AOUSC) reports that for every 1,000 prisoners, approximately 97 new prisoner cases are filed. This ratio was calculated on studies of prisoner petitions from 1940 to 1995. Thus, the projected increase in prison population will likely result in an increase of over 1,400 new cases filed by 1998. These cases can be expected to include the full range of civil defensive matters described above.

Much of this work is paper intensive and the United States Attorneys' offices rely heavily on paralegal support in order to maintain efficiency. Therefore, the United States Attorneys are requesting a resource increase of 23 paralegal positions to handle the increase in cases. The new paralegals for defense of civil prisoners would be added to the existing staff of 23 paralegals for prosecution. Population and additional facilities by FY 1998. We will then calculate the impact on the workload of the existing staff of the added paralegal support and make a determination on whether to request additional resources to handle the prisoner petitions.

2. EMPLOYMENT DISCRIMINATION LITIGATION UNDER TITLE VII

Significant changes in Civil Rights legislation have increased both the number and the complexity of employment discrimination cases handled by the USDOs. In November, 1991, Congress enacted substantive amendments to Title VII of the Civil Rights Act of 1964 (P.L. 87-42, U.S.C. § 2000e, et seq.). The 1991 legislation for the first time allows plaintiffs to recover compensatory damages up to \$100,000, no longer limiting awards to past and prospective lost wages. The Act also provides for the right to a jury trial.

The 1991 Amendments will significantly impact United States Attorneys' offices. Employment discrimination cases will require more time-intensive jury trials with an expanded potential for much higher damages. This translates into more resources expended on each case.

The number of Assistant United States Attorney workyears devoted to defensive monetary cases (the category into which employment discrimination cases fall) clearly reflects this increase. Defensive monetary cases consumed 32 percent of all attorney workyears devoted to all civil cases in FY 1992. That percentage has risen to 40.1 percent of the civil case workload. United States Attorneys' offices report that these increases also absorb additional attorney, paralegal, and support staff in order to meet the growing demands of the employment discrimination caseload.

In addition to more time being spent on these increasingly complex cases, the actual number of cases has increased and the affected workforces have grown. From FY 1992 through 1995 the number of cases filed increased by 28.95 percent. The AUSA reports that in FY 1994 there were 1,097 employment discrimination cases in which the United States was a defendant while in FY 1995 there were 1,275 such cases. These figures are reported at Table C-2 Judicial Business of the United States Courts 1994 and Judicial Business of the United States Courts 1995, hereinafter cited as "US Courts 1994" and "US Courts 1995" respectively.

Furthermore, several agencies expect to see an increasing number of employment related cases due to the statutory changes or as a result of government downsizing. The Office of Personnel Management reports that, in FY 1995, there were 7,352 Reductions-in-Force in all agencies, and in the first quarter of FY 1996, there were 1,639. The Department of the Army reports that since the passage of the 1991 amendments to the Act, there has been a substantial increase in the number of Civil Rights and employment related cases. The Act continues the threat of increased litigation in the number of Civil Rights and employment related cases. Affirmative action cases due to budget constraints and reorganization. The Department of Veterans Affairs also projects an increase in the number of Title VII and labor related cases due to Reductions-in-Force and federal downsizing. Whenever jobs are lost or employment responsibilities undergo a downward shift, the likelihood of allegations of discrimination increases.

The downsizing of the federal workforce also affects the impact of these cases by reducing agency resources to assist in their preparation and defense. As the number of agency counsel declines, the availability of agency counsel to assist in investigation and case preparation also declines.

United States Attorneys' offices will require additional resources to handle employment discrimination cases. Analysis of AODSC statistics and the EOPHA statistical report reflect an additional 230 new cases can be expected each year. By 1996, the United States Attorneys' offices can be expected to be handling 690 new cases.

3. TORT LITIGATION

The largest component of defensive litigation is tort litigation with over \$300 million in disbursements from the Judgment Fund in 1994. Of that, \$135 million represented payouts in medical malpractice cases. Historically, United States Attorneys litigated primarily medical malpractice cases brought by federal prisoners and by veterans and military dependents originating in Veterans Administration and military medical facilities. Military downsizing is not expected to have a significant impact on these cases since the majority of the military cases have been those involving veterans treated by the Veterans Administration. The prisoner cases should increase with the prison population. These cases have already caused a significant burden on United States Attorneys, but new legislation will dramatically increase the medical malpractice caseload.

The federally supported Health Centers Assistance Act of 1992, 42 U.S.C. §213 (the "Act") provides that Health and Human Services (HHS) supported community health centers, hospitals, clinics and other health facilities, their employees and contractors, will be considered employees of the Public Health Service entitled to Federal Tort Claims Act protection as the exclusive remedy for a tort resulting from the performance of their medical services. Similarly, at 42 U.S.C. §450f, Congress extended Federal Tort Claims Act coverage to Indian tribes, tribal organizations, Indian contractors and their employees for certain common law torts including medical malpractice torts at Indian health centers. This legislation, which was originally enacted for a three year trial period, has now become permanent.

The impact of this legislation will not be fully felt for a while due to provisions causing parties to comply with certain administrative proceedings prior to filing suit. At the present time, only a trickle of the expected flood of cases has been felt. From January 1993 through May 1995, only 89 cases were filed nationally. Before the Act, providers could file a lawsuit directly with the Federal Tort Claims Act and HHS Service (HHS) in a complex, lengthy process. HHS has taken considerable time to establish procedures for processing the applications. Only cases based on activities occurring after the deeming process are covered by the Act. Once a provider is deemed, a claim must be filed with HHS, and the plaintiff must wait at least six months before filing a lawsuit in District Court. Because of these delays, we have just seen a few of the cases, but the rate is beginning to increase dramatically. While national statistics after May of 1995 are not available, reports from districts indicate that the expected caseload increase is beginning to appear and will hit with full force by FY 1998.

HHS deemed approximately 630 Community Health Centers nationally through 1995. While there are no detailed descriptions of these providers on a national basis, some examples from the Central District of California are instructive. The largest provider in that district, Watts Health Foundation, has over 40,000 patients with 200,000 patient encounters per year. Another foundation in the district has over 50,000 encounters per

year with a pediatric practice handling 1200 births per year. This same clinic serves as the primary health provider for 16,000 homeless. Finally, the Los Angeles County health system is converting one-third of its practice from a hospital setting to outpatient clinics to qualify for over \$300 million of funding from HHS.

In analyzing the impact of the number of cases on USOs, the nature of these cases and their resource requirements are significant. In any medical malpractice case, medical and rehabilitation experts are needed to litigate issues of liability and the extent of physical damages. Economists and actuarial experts are then often needed to calculate economic damages. The need for these experts translates into greater expense and greater potential exposure for the United States.

The cases arising under the Act, however, are expected to be more resource intensive than the historic government medical malpractice case for two reasons. First, the typical patient populations at most community health centers and Indian health centers tend to be poorer populations with all of the underlying health problems generated by lack of consistent well care, including good prenatal care.

Second, in cases involving federal employees and federal institutions, USOs normally rely on the agency and agency counsel to investigate the claim, provide a litigation report, and assist in litigation by helping in the discovery process. This type of agency litigation support will be unavailable in the environment where the individual provider is exposed. Moreover, HHS does not have the same powers to investigate claims in these cases as it would in cases involving agency facilities and employees. Finally, HHS does not have sufficient legal staff to assist in this litigation. The consequence for the United States Attorneys' offices will be a need to devote more time to cases filed under the Act than would be required in the more traditional government medical malpractice case. In order to adequately defend these cases, more resources are necessary.

As the number of community health center cases increases, the United States Attorneys' offices expect a significant number of new and more complex medical malpractice cases by FY 1998, with increases in each subsequent year. The AGUSC reported an 11 percent increase in the number of medical malpractice cases in which the United States was defendant in FY 1995. Thus, a conservative estimated increase of at least 10 percent in the tort caseload arising from medical malpractice cases for FY 1997 and FY 1998 can be expected.

It is anticipated that the additional resources will ensure efficient and effective use of resources, allowing the United States to be adequately represented in actions seeking monetary damages. We will measure our success, if provided the resources, by demonstrating an increase in cases handled and resolved in a shorter period of time in prisoner litigation cases; measuring the increase in the number of jury trials resolved in favor of the United States in employment discrimination cases; and, measuring the increase in the number of complex cases involving expert witnesses that are brought to resolution through settlement or trial in tort litigation cases.

It is important to note, however, that the amount of funds paid out in settlement or verdicts will not be measured as an indicator of success. Those figures are dependent on the size and quality of the cases brought against the government and, as a result, the funds paid out are no reflection on the success of the program.

SOUTHWEST BORDER INITIATIVE

	Perm. FTE's	MY	Amount
Criminal Decision Unit	37	19	\$2,836
Drugs - Southwest Border	11	5	1,061
Immigration	12	6	1,085
Official Corruption	60	30	\$4,982
Total			

The United States Attorneys are requesting 60 positions (38 attorneys), 30 MY, and \$4,982,000 to support the Southwest Border Initiative. The resources will address the problems of drugs being shipped across the border, illegal immigration and corruption.

DRUGS

The United States Attorneys are requesting 37 positions (22 attorneys), 19 MY, and \$2,836,000 to address the problem of drugs originating in or shipped through Mexico.

Mexico is the primary transit country for cocaine entering the United States from South America, as well as a major source country for heroin, marijuana and more recently, methamphetamine. The amount of cocaine seized and the number of drug-related arrests in Mexico have declined significantly since 1992. In addition, U.S. funding for counter narcotics efforts in the transit zone and Mexico has declined from approximately \$1 billion in Fiscal Year 1992 to about \$570 million in FY 1995. Estimates indicate that up to 70 percent of the more than 300 tons of cocaine entering the United States in 1994 came through Mexico. In March 1996, the State Department reported that Mexico supplied up to 80 percent of the foreign-grown marijuana consumed in the United States and from 20 to 30 percent of the heroin. Mexican trafficking organizations operating on both sides of the border have replaced U.S.-based outlaw motorcycle gangs as the predominant methamphetamine manufacturers and traffickers in the United States.

The Fall 1995 report from the Office on National Drug Control Policy, National Trends in Drug Abuse, states that marijuana use continues to increase in all areas, particularly in the Southwest. The report indicates that the sources of marijuana both local and imported most often from Mexico and the Caribbean. The report cites the storage of large amounts of marijuana at the Texas border, where growers and marketers have warehoused large supplies of marijuana in the El Paso and Lariat areas for release to distributors in other areas of the country. According to the report, methamphetamine, LSD and benzodiazepine Rohypnol were the emerging drugs as of the fall of 1995. The report states that methamphetamine has been a serious problem in the West and Southwest for a number of years, and its increasing availability from domestic laboratories and the abundant supply of the drug and/or its chemical precursors from Mexico have encouraged markets outside those areas.

The drug problem has other aspects, as well, as indicated by a recent General Accounting Office (GAO) report entitled Border Patrol: Revised Strategy is Showing Some Positive Results, December 1994. This report highlights the fact that between FY 1990 and FY 1993, the number of Border Patrol drug seizures along the

southwest border alone rose from around 4,200 to 6,400, an increase of over 50 percent. The amount of cocaine seized nearly doubled in the same period of time from about 14,000 pounds to about 27,000 pounds. A different study cited in the GAO report, entitled *Systematic Analysis of the Southwest Border*, deemed drug smuggling a serious threat in south Texas and the southern Arizona border area, which is dubbed "Cocaine Alley."

The drug problem is further highlighted in a GAO report to the Congress entitled *Drug Control: Interdiction Efforts in Central America Have Had Little Impact on the Flow of Drugs*, August 1994, which provided statistics showing that, just on the United States/Mexico border alone, almost 6,600 tractor trailer trucks and 21,000 passenger vehicles cross the border each day. In this report, GAO reported to the Chairman, Subcommittee on Information, Justice, Transportation, and Agriculture Committee on Government Operations, House of Representatives, that "available evidence suggests that the supply of drugs entering the United States via Central America remains virtually uninterrupted."

The results of the Client Agency Survey conducted by the EOUSA indicates that our client agencies also project modest but continued increases in referrals to the United States Attorneys' offices. Total projected narcotics referrals, as stated by 13 agencies who anticipate referrals in this area, are estimated to grow from 19,659 in 1995, to 20,724 in 1996, and up to 22,337 in 1997. This constitutes a projected increase of 13.6 percent from 1995 to 1997.

The United States Attorneys continued to direct substantial resources to the prosecution of non-OCDETF narcotics cases during 1996. These cases represented 21.5 percent of all criminal cases filed during the year, up from 17.9 percent in 1995. A total of 8,992 cases were filed, up from 8,434 cases filed in 1995, an increase of 6.6 percent. During 1996, 16,837 defendants were charged, up from 15,767 in 1995, an increase of 6.8 percent.

The increased prosecutions in the drug area consumed a greater portion of the United States Attorneys' personnel resources. During 1996, the total number of attorney workyears devoted to non-OCDETF drug prosecutions increased by 10.8 or 2.5 percent. Non-OCDETF drug cases during 1996 consumed 14.5 percent of all criminal attorney workyears.

Clearly, these reports and information indicate that drug usage and distribution remains a nationwide problem and will grow in the future. Our request seeks to address the projected growth in drug possession and distributions as well as augment United States Attorney capacity on the Southwest Border to support the extensive investigative initiatives currently underway in the region.

Immigration

The United States Attorneys are requesting 11 positions (8 attorneys), 5 workyears, and \$1,061,000 to combat illegal immigration along the Southwest Border.

The Southwest Border States--California, Arizona, New Mexico, and Texas--contain the principal corridors into the United States for illegal immigrants. The five districts located directly on the border adjacent to Mexico--Southern California, Arizona, New Mexico, Western Texas and Southern Texas--account for more than 80 percent of illegal entries into this country.

In the area of illegal entry, attention is focused on that segment of undocumented aliens who are directly linked to violence and crime in our country. In order to neutralize these dangerous aliens, we have relied upon 8 U.S.C. § 1326(b)--a statute which provides enhanced penalties for previously deported aliens with a criminal history who reenter the United States. The statute has been revised to permit, for those with the most serious felony records, sentences up to 20 years (although limited by the guideline range appropriate in the particular case). In accordance with the Attorney General's Immigration Initiative, the United States Attorneys have in place the means to identify, to an unprecedented degree, aliens with criminal records.

Another current focus, alien smuggling, centers on specific portions of the 2,000 mile stretch of the United States/Mexico border. The Department has undertaken a series of initiatives to address these problems through a substantial enhancement of INS/Border Patrol resources to implement and support the Administration's border control strategy. The United States Attorneys along the Southwest Border convene quarterly, as a Council, to coordinate, update, and discuss pending litigation. Prosecutors in these districts are encouraged to coordinate with INS, the Department of Justice, and the Department of Homeland Security. The focus of jointly coordinated prosecutive cooperation among these districts is unprecedented. The United States Attorneys meet with representatives of the Criminal Division, DEA and FBI regarding narcotics-related issues. The United States Attorneys also hold conferences with INS and Criminal Division representatives to address matters of illegal immigration in their continuing effort to enhance criminal alien prosecution policies in the individual districts along the Southwest Border and elsewhere.

In FY 1995, 15 Special Assistant United States Attorney positions were detailed from the DOJ for Operation Gatekeeper, to address the increase in immigration prosecutions which resulted from higher illegal entries in the Southwest Border States. As a result of these Special Assistant United States Attorney placements during 1995, more than 1,000 previously deported aliens were prosecuted for illegal reentry after deportation. This is seven times the number of cases prosecuted in 1992. The number of felony smuggling cases has more than doubled in 1995 to a total of 80 indictments in the first months of 1995, compared to 24 cases in all of 1994 and 31 in 1993. These indictments send these criminal aliens back out the streets faster and send a strong deterrent message to potential returnees.

In FY 1995, 42 Assistant United States Attorneys, 13 paralegal and 27 support positions were allocated to United States Attorneys' offices. These positions have assisted greatly in meeting the growing need for prosecutions; however, they alone--or they, combined with Special Assistant United States Attorney positions--were not sufficient to meet the steadily increasing caseload expected as a result of increased INS staffing. In FY 1996, 26 positions, including 13 Assistant United States Attorneys, were funded to continue the President's Immigration Initiative.

In FY 1997, positions were requested for the Southwest Border Initiative and to address caseload generated by increased Immigration Judge resources directed to the identification and removal of deportable aliens, and the addition of 50 Immigration Judges. However, the request was not funded. The United States Attorneys are faced with an imbalance in the number of prosecutors available to support the tremendous growth that the INS expects to continue through the year 2000. The United States Attorneys' offices have not yet experienced the impact of a full complement of resources that the INS expects to have available in FY 1997. The increases over FY 1995 on-board figures include 1,878 Border Patrol Agents, 1,438 Inspectors and 484 Criminal Investigators. In FY 1998, the INS is requesting additional resources.

The United States Attorneys' offices along the southwest border are beginning to see the impact of increased law enforcement resources. During FY 1996, the five United States Attorneys' offices along the border filed 3,089 cases against 3,461 defendants. This is an increase of 242.1 percent over cases filed in FY 1994, and an increase of 231.5 percent in defendants. Cases terminated increased by 188.7 percent during the same period to 2,746. The defendants terminated increased by 174.7 percent to 3,079.

New initiatives directed to the ports will expand dramatically the number of persons apprehended and charged with alien smuggling, use of counterfeit documents, and misrepresentation of citizenship or residency status. Other programs project a vastly increased effort to enforce employer sanctions through the use of civil as well as criminal sanctions. Taken together, these enforcement operations will require a commensurate increase in United States Attorneys' resources allocated to the prosecution of immigration-related crimes.

Official Corruption

The United States Attorneys are requesting 12 positions (8 attorneys), 6 WF, and \$1,085,000 for the prosecution of official corruption.

Rooting out corruption by officials in whom the public trust is vested, and other government-related corruption, is an important and unique function of the United States Attorneys. Over the past year, the United States Attorneys increasingly have fulfilled this vital public function through the investigation and prosecution of official corruption cases.

The investigation and prosecution of criminal misconduct or a breach of law by public officials or other government employees remains a priority of the Attorney General. Without a continued, vigilant effort to investigate and prosecute those who violate their oaths of office, we will not be able to maintain the American people's trust and confidence in government. The United States Attorneys require the resources to address these cases.

During FY 1996, the United States Attorneys' offices filed 470 criminal cases charging 646 defendants with official corruption. These prosecutions included official corruption in federal procurement, federal and state contract administration, and federal and state education. The United States Attorneys' offices and other officials during FY 1996, the United States Attorneys also terminated 448 cases against 603 official corruption defendants. This represents an increase of 7.4 percent in cases terminated and an 8.3 percent

increase in defendants terminated. Eighty-seven percent of the defendants terminated were convicted and 44.6 percent returned to prison. Increases observed in the number of cases and defendants pending. At the end of FY 1996, there were 472 official corruption cases pending.

Official corruption cases are among the most hotly contested and highly sensitive of all criminal cases prosecuted by the United States Attorneys. During FY 1996, 13.6 percent of the official corruption defendants whose cases were terminated were terminated by trial. This is among the highest percentage of defendants tried of any of the major criminal case categories. Such cases require a high devotion of resources.

Some examples of cases prosecuted during FY 1996 that demonstrate the complexity and importance of official corruption prosecutions handled by the United States Attorneys include:

- In the Eastern District of California, a former City Council member and a real estate developer pled guilty to charges in connection with a scheme to exchange cash payments for official assistance on building development projects being considered by the City Council.
- In the Northern District of Illinois, the former director of facilities for the Chicago public schools pled guilty to handing out millions of dollars in school repair work in exchange for bribes worth \$337,000 in cash, free work at his home, a luxury car, and real estate. He agreed to pay \$225,000 in restitution.
- In the District of Minnesota, a state senator was convicted of conspiracy, theft from an Indian organization, theft from a federally-funded organization and mail fraud. The defendant, a lawyer for the Leech Lake Band of Chippewa Indians, stole over \$1 million from the Band through a phony tribal "self-insurance" company. The company was used as a slush fund to evade state sales taxes and pay for personal expenses.

While the federal government struggles to balance the national budget, state and local governments also are struggling to balance their citizens' demands for increased services against stagnant or shrinking revenues. As the federal government considers providing block grants directly to state and local governments as a means of reducing the federal bureaucracy, state and local governments are tightening their belts and may not be able to provide the degree of monitoring of federal funds that is required to ensure appropriate use. Together, these factors can lead to increased opportunity for misuse of funds or engagement in corrupt practices. Our ability to anticipate this shift of resources will enable us to avoid a catastrophic result like that which occurred during the Savings and Loan crisis.

According to the Budget of the United States Government Fiscal Year 1997, Historical Tables 11.1 and 12.1, outlays of the federal government for individuals will increase by 76.58 percent, to \$1.03 trillion between 1990 and 1998, with outlays for grants increasing by 90.58 percent, to \$257.9 million, during the same period of time. Increases of this magnitude, without concomitant increases in federal, state and local resources devoted to monitoring the administration and use of funds, will almost certainly lead to abuses. The majority of these dollars pass through state and/or local government offices before they reach the

intended recipients. Some of the public officials and employees responsible for these funds will succumb to temptation and convert funds to their personal use. The United States Attorneys must have the resources available for investigation and prosecution.

Responses to the FOIA Client Agency Survey show that official corruption referrals are expected to continue to increase. The survey showed that client agencies project that their official corruption referrals will grow by 3.5 percent from FY 1996 to FY 1997, and will grow by an additional 7.6 percent from FY 1997 to FY 1998, for a total of 11.25 percent.

In their response to the survey, the FBI reported that they anticipate referring 41,075 white collar crime cases, which includes official corruption referrals. However, they are not able to provide a breakdown in the White Collar Crime program. In their response, the FBI reported that they expect to devote increased resources to the areas of public corruption involving bribery and conflict of interest of federal officials, and corruption of federal, state, and local officials, including law enforcement officers. Also, the FBI is requesting 34 additional agents in the FY 1998 budget.

The workload per official corruption Assistant United States Attorney continues to increase. An analysis shows that, on average, official corruption Assistant United States Attorneys handled 8.4 cases per workyear in FY 1995, 8.6 cases per workyear in FY 1996, and 9.1 cases per workyear in FY 1997. This represents an increase of 9 percent in the number of cases handled per workyear. The projected increase in public corruption could not be absorbed by current staff without an adverse impact on other criminal workload.

During our Spring Call effort, six United States Attorneys' offices reported that their local Special Agent in Charge has increased, or plans to increase, resources devoted to official corruption in their districts. The requested resources will allow for a reduction in white collar crime, and protect the integrity of public programs and the American citizens' trust in public officials.

CHILD SUPPORT ENFORCEMENT	Perm.	NY	Amount
Criminal Decision Unit	10	5	\$632

The United States Attorneys are requesting 10 positions, 5 NY, and \$632,000 in support of the United States Attorneys' efforts to enhance enforcement of child support payments on a pilot basis. These resources will allow the United States Attorneys' offices to enhance enforcement of the provisions of the Child Support Recovery Act of 1992 (CSRA). Success in this initiative can yield significant results for children in America, and a reduction in the demand on already burgeoning government entitlement programs.

The Attorney General has strongly emphasized the need to improve the lives of America's children by providing a family atmosphere that fosters the growth and development of well-adjusted adults who were well nourished, properly clothed and adequately housed as children. Recovery of hundreds of thousands of dollars of unpaid child support will greatly assist custodial parents in funding the quality of their children's lives, as well as helping to diminish unnecessary Executive Branch expenses for entitlement programs. Such programs

provide some of the monies which are not paid by absent, but legally responsible parents. In a December 1994 report entitled Child Support Enforcement: Families Could Benefit from Stronger Enforcement Programs, the General Accounting Office (GAO) stated that greater Federal leadership coupled with equally intensive state efforts could better position the national child support enforcement program to serve the families that depend on it. GAO noted the dramatically increasing numbers of children needing support. It also stated that the child support enforcement caseload grew 180 percent between 1980 and 1992. Another study cited by GAO estimated that the gap between total child support that should be paid nationwide and total child support paid was \$34 billion in 1990. The GAO report went on to state that a widespread public perception exists that the child support enforcement program is failing to adequately address the nationwide problem of child support non-payment. Estimates of the child support enforcement caseload range from 300 to 2,500 cases per worker, and officials believe that many cases now take more work than ever before.

United States Bureau of the Census data quoted in the report shows that there were 9.8 million custodial mothers aged 18 years and older in 1990, or 39 percent more than in 1989 and that 62 percent of all custodial mothers in the United States did not receive child support in 1989.

It was hoped that the CSRA program would be implemented without the need for additional United States Attorneys' office staff because prosecutions were to be against individuals who had already been ordered to pay child support, and against whom legal action had been taken in the state courts to enforce the orders which had been issued. It was further anticipated that state agency efforts to collect delinquent child support obligations would be assisted in the creation of fully investigated, completely assembled referral packages/matters which would need little more than efficient presentation to grand juries.

The experience of the Assistant United States Attorneys who have prosecuted these cases has been that often a substantial amount of background work is needed to assure the documentary evidence required to support these prosecutions. This work often cannot be done by state child support enforcement personnel because of their excessive caseloads or because the non-custodial parent and his or her assets are located in distant states. Responsibilities related to this work include: obtaining a copy of the divorce files; communicating with the state's child support enforcement agency; reviewing federal income tax returns; performing a credit check in a state other than that in which the United States Attorney's Office is situated; and searching for ownership records of real property, and other assets, again in a state other than that in which the United States Attorney's Office is situated. This workload can be further complicated by the flight of the non-complying individual.

The United States Attorneys' offices will use paralegals for the time-consuming initial preparations of these cases until they are ready for filing. These cases are document-intensive and the paralegals will gather the documents, organize the background materials, and present the package to Assistant United States Attorneys.

The United States Attorneys' offices do not currently have individuals with the needed qualifications. First-time offenses are misdemeanors and it is an inefficient use of resources to tie up highly-trained FBI agents to do document collection and sorting work. It is also an inefficient use of resources to tie up a trained prosecutor to do such work.

The growing size and complexity of the caseload reflects the major changes in demographic characteristics of the American family. High rates of divorce and out-of-wedlock births have resulted in more children living in single-parent households.

The United States Attorneys have made steady progress in this type of prosecution; matters referred have increased from 11 in FY 1993, to 137 in FY 1994, to 748 in FY 1995. Matters later declined have increased from 1 in FY 1993, to 30 in FY 1994, to 234 in FY 1995. Cases filed have increased from 2 in FY 1993, to 12 in FY 1994, to 82 in FY 1995 and 140 in FY 1996.

Between FY 1994 and FY 1995, the number of matters referred increased by 445 percent. The later declination rate (31.2 percent) has increased the workload of Assistant United States Attorneys.

Later declination is caused by a number of factors: the Government's determination through investigation that is unable to demonstrate parents' ability to pay; incomplete information provided when referred; restitution made after a prosecution decision was made and the non-custodial parent contacted; lack of jurisdiction; and, other circumstances uncovered upon further investigation.

The average amount of restitution ordered is approximately \$33,500. The benefits of this initiative to custodial parents who have sought to collect past-due support payments for years undoubtedly cannot be measured solely in dollars. In almost every case, the defendants were also ordered as part of their sentence to report address changes and to continue to make the prospective payments on a timely basis. The threat of revocation of probation undoubtedly will be far more persuasive than that of potential contempt citation imposed by the court. Court-ordered restitution was \$35,000 in FY 1993, \$100,000 in FY 1994, and \$183,504 in FY 1995. In FY 1993, court-ordered restitution was \$35,000; in FY 1994, it increased to \$183,504; and, in FY 1995 totaled \$1,246,344--a 379 percent increase over FY 1994.

Since there is no historical data or model to determine what level of paralegal resources would be sufficient to address this program on a nationwide basis, pilot programs would be established based on the articulated needs of the United States Attorneys' offices. In order to develop representative models that could be applied to all offices, pilot offices must be established in various sized districts. The results of the program in FY 1998 would be used to assess the need for expansion of this program.

DISTRICT OF COLUMBIA, SUPERIOR COURT

Criminal Decision Unit	Perm. FOL	FY	Amount
Support Positions	66	33	\$3,877
Community Prosecutions	74	37	5,865
Homicide	5	3	453
Gangs	10	5	848
Domestic Violence	10	5	857
Total	165	83	\$11,900

SUPPORT POSITIONS

This initiative seeks 66 positions, 33 WY, and \$3,877,000 in support of the United States Attorneys Office, Superior Court Division, District of Columbia, to provide timely, useful, and reliable financial and administrative information, streamline internal processes, and better utilize information technology to coordinate legal and administrative functions.

The United States Attorney's Office for the District of Columbia is seriously understaffed in support personnel. The understaffing has presented a multitude of management problems, both for central management and administrative support, but also in all of our litigating activities.

While Superior Court attorneys spend a great deal of time in the courtroom and away from their offices, they still require a secretary to perform traditional secretarial functions and significant pretrial preparation. The sheer volume of cases presents a great need for support personnel. There are usually over 100 cases on the District of Columbia "lock-up" list each day (including Saturdays and holidays). Each of these must be addressed and processed through arraignment court by our office personnel before the end of the day. In addition, there are five grand juries which sit five days per week.

Support personnel are needed, among other things, to open case files, track them through the system, assist in locating witnesses and preparing them for trial, serve as receptionists, maintain court calendars, prepare and maintain the court docket, coordinate courtroom operations, and provide clerical support to the Assistant United States Attorneys (AUSA's). Unfortunately, AUSA's are required to do most of their own clerical and legal technical support work due to our staffing shortages.

Some may have the view that certain economies of scale should accrue in an office this size. That might be true if the Office was simply an extra large Federal operation. But it is not; it is two very different operations, each complex in its own right and made even more complex by the very existence of the other. Virtually every aspect of administration and management is complicated by the need to maintain dual systems. This is particularly true in the areas of automation and financial management. Separate systems and procedures must be maintained to support the Superior Court side of the office. Automation and financial management personnel must interact with both Department of Justice operations personnel, but also with counterparts in District of Columbia agencies, further adding to the complexity of their work.

Therefore, the volume and nature of the Superior Court caseload, coupled with the history of understaffing of support personnel, has resulted in a critical situation for Superior Court attorneys and all others assigned to this Division. This one time request seeks to substantially increase support staffing.

At the present time, 211 AUSA's in the United States Attorney's Office for the District of Columbia are dedicated to Superior Court work. These attorneys are supported by 122 positions dedicated to direct legal support for AUSA's (i.e., secretaries, legal technicians, paralegals, docket personnel, criminal history analysts, etc.). An additional 52 positions support Assistant Attorneys in Superior Court in centralized administrative and victim-witness advocacy functions.

There are many notable support staffing shortfalls. First, the staffing in direct support of AUSAs is inadequate. At this time, there are many secretaries who are responsible for as many as six AUSAs. For example, in the Homicide Section, there are currently 28 attorneys assigned and only 5 secretaries on board. In the Sex Offense Section, there are 14 attorneys and only 2 secretaries. In the Violent Crime Section, there are 18 attorneys and 3 secretaries. There are also AUSAs who have no paralegals at all available to them.

Our goal is to have at least one secretary (or other legal technical support position) and one paralegal for every three AUSAs. This does not mean that there will be one person performing only secretarial duties for every three AUSAs. These personnel will also be responsible for processing all cases from the initial stage through case closing, time and attendance and USA-5 reporting, docketing and many other central administrative functions.

We currently have only one position dedicated to litigation support. We feel that we could greatly improve our presentation of evidence at trial if we could develop an in-house capacity for courtroom graphics and document management in complex document intensive cases.

The most important task of a litigation support staff would be to produce demonstrative evidence--charts, and maps--and improve on the presentation of photograph evidence. It should be noted here that until the last few years, the Metropolitan Police Department provided much of this graphic work through their Mobile Crime Lab. This service is no longer available to us. And until only one year ago, the Medical Examiner's Office used to provide us with photographic blow-ups of autopsies. This service has also been discontinued by the District of Columbia government.

A staffed litigation support unit would also oversee work sent out to litigation support contractors, or performed by such contractors in-house. For instance, we currently are seeking to secure contract personnel in several significant cases. Use of these contracts has been limited in this district because there are limited resources to devote to procurement of services and management of the contracts.

Over and above those personnel, we also require other special legal technical personnel (such as criminal history analysts) to review categories of information and assist in the area of gathering intelligence and discerning patterns of crime. Criminal history analysts serve a vital role in the intake process in that they verify the identity of the individual being charged and review their prior arrests. This screening helps assure that individuals who may have been detained on a minor charge are not wanted for a more serious offense or may be guilty of a parole violation. Failure to carefully perform the records check could result in the inadvertent release of violent offenders into the community.

In addition to direct support for attorneys, we require additional resources for our central Administrative Division. Our most critical need is more personnel for automation. Our Automation Staff is struggling to maintain operations on EAGLE, prepare for Phoenix conversion, satisfy demand for office-wide and specialized applications for users, and satisfy all other requirements for inventory management, security and department generated systems management requirements.

Our ratio of automation personnel to users is approximately 1 to 43. This would be a heavy load if all these individuals had to do was SCHRIE-type work. Several positions are dedicated to maintaining and tailoring special applications. While it is true that we receive many applications developed by AUSA and the efforts of that staff should be factored into our need for in-house personnel, we must note that we have to tailor every system designed for all United States Attorneys' application, because of our unique dual responsibilities and sometimes rework them completely or create substitute applications for our Superior Court Division.

The Finance Unit of the Administrative Division also has a disproportionate heavy workload resulting from Superior Court caseloads. There are more transcripts, more interpreters, more experts and litigation expenses of every kind. Also, the pace of the office in general and global understaffing detracts from the quality of work secretaries and others do in preparing time and attendance records, travel vouchers, and all litigation related bills for payment. Additional resources must be devoted to improving procedures and timeliness in these areas before serious internal control problems develop.

There are insufficient personnel assigned to all reception areas and security is a continuing concern. There are approximately 900 visitors to the office each day and they tend to arrive in large groups. Visiting witnesses are at times angry and violent and need to be supervised, or at least carefully watched. Unfortunately, Court Security Officer resources are not available to provide full time waiting room coverage. There are presently two staffed floors with no receptionists assigned. Due to attrition and the hiring freeze, other floors have very spotty coverage, requiring that secretaries and supervisors rotate through reception duties to assure coverage. We would increase the number of receptionists to two per floor to assure better protection of all entrances to work areas, more careful scrutiny of visitors, and better supervision of waiting areas.

At the present time, the total number of support positions dedicated to Superior Court, including both secretarial, legal technical, and paralegal, is centralized within the support staff of 174. We propose to increase support staffing dedicated to Superior Court operations by 66, for a total support staff of 240.

This increase in personnel would improve the general quality of office operations immensely. The day-to-day pace of litigation in this Office, and the demands of maintaining work related to our dual responsibilities creates a chaotic environment and puts inappropriate workload demands on AUSAs. Our attorneys are forced to do their own typing, copying, routine legal research, and even perform reception duties in order to assure that they locate their witnesses and get them into the right conference room or courtroom at the right time. We could provide AUSAs with better assistance to victims and witnesses and offer basic litigation support services as they prepare for trial. We are certain that the quality of litigation and related responsibilities would improve, but the quality of life--both inside the office and in the community we serve--would also improve as a byproduct.

We could improve our internal control in the areas of time and attendance and payroll, travel management and office security. We could take advantage in the use of automation for data management, litigation support and document generation, rather than simply keep the equipment running.

These are all basic office operations results and are clearly less compelling and thus less persuasive than new initiatives. However, these resources would all be dedicated to supporting the Department's most serious problems: drug trafficking, violent crime, and narcotics trafficking. The Attorney General also spoke in her 1997 budget hearing of her desire to provide State and local governments with critically needed anti-crime resources. This Office is engaged every day in fighting crime at the local level. We feel confident that this request is consistent with her goal.

We will measure the success in this program, if provided the resources, by improving cycle time for key processes.

Community Prosecution

This initiative seeks 74 positions (39 attorneys), 37 MY, and \$5,865,000 to expand the Community Prosecutors (CP) initiative to the entire Washington, D.C. community. The additional prosecutive work that has been and will continue to be generated by this initiative will require additional prosecutive resources. The CP initiative will increase both attorney and support staff increases. More proactive approaches to asset forfeiture and nuisance abatement litigation will require additional attorney and support staff as well.

There is a need to increase community outreach to enhance prosecutive function, increase public safety in the targeted neighborhoods, and improve the overall quality of life for the city's residents and guests.

For several years, Attorney General Reno and experts in the field of law enforcement have advocated the benefits of community policing in reducing crime and improving the quality of life for residents in the affected area through community partnership and problem solving.

In an effort to maximize our involvement with the community, this Office has begun a Community Prosecution Pilot Project in one of the seven police districts within the District of Columbia. The CP initiative is designed to target and address the most serious criminal justice problems of both local and federal criminal matters occurring in that district. In addition, the Project has created partnerships with the community, various law enforcement agencies, and other public and private agencies in an effort to enhance its prosecutive function, increase public safety in the targeted neighborhood, and improve the overall quality of life for the city's residents and guests.

The CP Pilot Project was formed by reassigning nineteen attorneys and seven support personnel throughout the Office to a single Section. Two AUSAs were relieved of active caseloads in order to be designated Community Prosecutors for the Fifth Police District. They share responsibility for staffing the United States

¹ Monograph: Understanding Community Policing - A Framework For Action. Washington, D.C.: Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. 1994, p.13.

Attorney's Office at the police station. In addition, the CP Initiative uses the part-time services of one of our Asset Forfeiture attorneys to become more proactive in the areas of forfeiture and nuisance abatement.

The Community Prosecution model is very resource intensive. Rather than processing criminal cases in an "assembly-line" fashion, this model contemplates careful review of each case in the larger context of the affected community. Spin-off offenses that may be related to a more significant crime or gang receive greater attention in the CP Section than in a traditional section of the Office. We have also initiated many investigations and referrals that have resulted in increased cooperation between the community and law enforcement, requiring an infusion of more attorneys and support personnel.

Members of the CP Initiative are also much more involved in helping the community solve some of the problems affecting the quality of life in that area. To that end, we are in the process of establishing close working relationships with D.C. government agencies (e.g., Department of Public Works) in an effort to make them more receptive to our requests for assistance.

Unsolved Homicide Case Investigations Squad

This proposal would add 5 positions (3 attorneys), 3 WY, and \$453,000 to this specialized unit. The additional resources for this effort would be devoted to the investigation and prosecution of cold homicide cases in conjunction with the Cold Case Squad agents and investigators. The attorneys will be co-located part-time with the Cold Case Squad so that they can work closely with police investigators in order to develop cases that they can successfully prosecute.

In doing so, we expect to dramatically increase the success rate of the Cold Case Squad in solving cold cases. This we hope will increase our ability to bring violent offenders to justice and to offer consolation to the family members who have been so deeply impacted by the loss of a loved one to a violent crime.

Over the past 10 years, Washington, D.C. has experienced a tremendous increase in violent crime and, for several years, has had the highest per capita murder rate in the country (from 1985 through 1991, the number of homicides each year more than tripled). Remarkably, less than 60 percent of these murders have actually been solved by arresting and prosecuting a suspect. To work on the problem of aging unsolved homicide cases, the FBI and the Metropolitan Police Department (MPD) have created the "Cold Case Squad" which consists of 10 FBI agents and eight MPD homicide investigators whose mission is to analyze and investigate old, difficult cases. This investigative squad has been enormously successful in solving these cases and in obtaining convictions. However, this squad has been unable to handle the backlog of unsolved homicide cases in this Office's Homicide Section. However, this Office has been unable to devote sufficient resources to the initiative to allow us to play a more integral role in the investigation and prosecution of "cold" cases.

The investigation of old, difficult, homicide cases is far more complex and resource-intensive than traditional homicide cases. The investigations involve the use of novel, aggressive, and sophisticated investigative techniques that require the involvement of prosecutors for legal counsel and direction. In

particular, the investigation of these cases often involves the use of cooperating defendants who have provided information in exchange for deals in their own cases. The involvement of a prosecutor is essential in order to secure the cooperation of such defendants. Involvement of prosecutors also facilitates greater cooperation between the federal and local law enforcement agencies in a worthwhile and productive endeavor.

GANG PROSECUTIONS

This proposal would add 10 positions (5 attorneys), 5 WY, and \$848,000 to this effort. The additional resources will be used to create a Gang Prosecutions Unit designed specifically to identify, analyze, investigate and prosecute violent gang groups throughout the city. Currently, the equivalent of one attorney focuses on gang prosecutions in the District of Columbia. The additional resources will also coordinate efforts with law enforcement agencies in surrounding jurisdictions. In particular, this Unit would coordinate the efforts of both federal and local law enforcement agencies by:

1. Establishing the necessary intelligence network to identify gangs and criminal gang activity;
2. Analyzing and prioritizing gang targets;
3. Establishing investigative teams among local and federal law enforcement agencies designed to make effectively investigate designed targets and coordinating the efforts of those teams; and
4. Preparing the necessary evidence to prosecute successfully an entire gang for a variety of gang-related criminal violations, and not just individual members for isolated incidents.

We have determined that the increase in violent crime in the District of Columbia over the past decade is due largely to the rise of gangs and gang-related violence. Gang investigations and prosecutions constitute a highly specialized area of law enforcement. Unfortunately, this Office has not had sufficient resources to address the problem using a well-organized and closely coordinated approach. Moreover, the investigation and prosecution of gang activity has fallen under the auspices of a variety of law enforcement agencies and even different units within those agencies. It has lacked the type of directed and coordinated effort necessary to make an overall attack on gang violence successful.

Gang investigations and prosecutions are extremely complex, resource-intensive, and long-term. Effectively investigating and prosecuting a violent gang often requires the efforts of at least one full-time attorney on that project, with an investigative team of local and federal law enforcement officials. Often these prosecutions require that more than one attorney be detailed to the case. We will need to augment our current resources in order to take an aggressive and affirmative approach to prosecuting gangs in both local and federal court without impacting on the effectiveness of the Office's ability to handle its traditional caseload.

If our request for additional resources is approved, we believe that we can target the twelve most violent gangs in the city for prosecution and make headway into combatting the violence spawned by gang activity.

Domestic Violence Unit

To adequately staff the Domestic Violence Unit we anticipate that we will need an additional 10 positions (5 attorneys [misdemeanor-level prosecutors, general felony-level prosecutor, and homicide/VAMA-level prosecutors]), 5 WY, and \$857,000. This would allow the Office to begin vertical prosecution of the felony cases and accommodate the monumental increase in misdemeanor prosecutions.

Each year, over six thousand criminal cases involving some form of domestic violence are referred to the United States Attorney's Office for the District of Columbia for prosecution. These cases involve not only violence against women, but spousal and partner abuse, intrafamily child abuse, sibling abuse, and elder abuse. The United States Attorney's Office has been successful in prosecuting these cases through a combination of traditional prosecutive methods and a more aggressive approach to combating domestic violence in the District of Columbia. Toward that end this office has created a Domestic Violence Unit within the Superior Court Division which will be staffed with trained, dedicated personnel who will vertically prosecute all of the Office's domestic violence cases, including violations of the Violence Against Women Act.

On November 4, 1996, the District of Columbia Superior Court began its Domestic Violence Project. The chief components of the Project are a unified Domestic Violence Intake Center and a Domestic Violence Court calendar where all civil and criminal domestic violence cases are heard by specially trained judges. The net result of the Project appears to be a more efficient and victim-friendly way of handling domestic violence matters. It has also caused a substantial increase in the number of domestic violence cases that will be prosecuted by our Office--an increase that cannot be met by our current staffing.

Traditionally domestic violence criminal cases were presented to the United States Attorney's Office by law enforcement personnel after an alleged abuser was identified and arrested. With the new Domestic Violence Intake Center, however, advocates from the Victim Witness Assistance Unit are available to all persons seeking a civil protection (restraining) order. These advocates are identifying--and referring for prosecution--numerous cases that heretofore were never reported to the police. In the first two months since the Intake Center opened, the advocates have seen up to four times the number of cases than under the old system. This dramatic increase in the number of referrals undoubtedly will be reflected in the coming months in the number of cases handled by the prosecutors in the Domestic Violence Unit.

The criminal cases coming before the Domestic Violence calendar are prosecuted by AUSAs in the Superior Court Division's Domestic Violence Unit. Currently there are four misdemeanor-level prosecutors (three regular AUSAs and one Special AUSA) handling all of the cases assigned to the Project with each AUSA carrying a caseload of approximately 200 cases which are pending trial. Originally, the Domestic Violence Project was to include misdemeanor and felony domestic violence cases. However, due to a staff shortage, the AUSA's Office had to delay including the felony cases because of a staff shortage. There are approximately 20 felony domestic violence cases each month. On any given day, between 10 and 30 domestic violence cases are scheduled for trial.

For several reasons, the number of cases scheduled for trial has been growing at a steadily increasing rate since the inception of the Domestic Violence Unit. First, the Office has begun to enforce a strong 'no-drop' policy. Victims of domestic violence are not permitted to 'drop charges' and therefore more cases result in trials. Second, with trained prosecutors the Office is able to present more cases without the cooperation, or participation, of the victim. These cases historically would have been dismissed and are now regularly prosecuted. Finally, as the police department do more thorough investigations, growing percentage of cases are being referred to the Domestic Violence Unit. The Office is projecting that in 1996, the actual number was over 6,000. Based on our experience so far the Office estimates that it will see significantly more cases--perhaps twice as many as last year--during 1997.

It is also important to note that there has not yet been a Violence Against Women Act (VAWA) prosecution in the District of Columbia. This is due primarily to a lack of available prosecutors to focus on and develop such cases, which are made more difficult because they are typically poorly investigated by the Metropolitan Police Department.

Recent research demonstrates that children who grow up in homes where there is domestic violence are more likely to grow up to be batterers themselves. These children are also more likely to resort to violence to solve their problems when they are on the street. The research also indicates, however, that early intervention by the criminal justice system is the only consistently effective way to stem the domestic violence tide by aggressively prosecuting domestic violence cases. We wish to reach the goal of the Domestic Violence Unit. Significant attention must be given to public education on the goal of the Domestic Violence Unit. The message this Office intends to send is that in the District of Columbia there is a zero-tolerance for acts of domestic violence.

We will measure our success, if provided the resources, by significantly reducing the incidence of domestic violence in the District of Columbia through our Domestic Violence Unit, working in conjunction with other agencies and organizations.

ACTIVATION OF NATIONAL ADVOCACY CENTER			
Legal Education Decision Unit			
Perm. Pos.	WY	6	AMOUNT
9			\$6,237

The United States Attorneys are requesting 9 positions (2 attorneys), 6 WY, and \$6,237,000 in support of the activation of the National Advocacy Center. This initiative would provide operating positions and funds for the National Advocacy Center, Columbia, South Carolina; add a Civil Assistant Director to direct the work of the team that already exists in this area; establish a new training team and provide operating expenses to execute training for paralegal/support staff; establish a new training team and provide operating expenses to develop and execute training for basic advocacy skills in the criminal, civil, and appellate areas; and ensure a well-trained work force.

The request is divided into two parts--National Advocacy Center and Legal Education.

Part 1: National Advocacy Center

The Office of Legal Education (OLE) is scheduled to move from its present location in Washington, D.C., to Columbia, SC. Two positions and \$2,868,000 are requested to support the activation of the National Advocacy Center (NAC) in Columbia, SC.

The United States Congress provided funds in FY 1992 to relocate the Department of Justice's legal education program to a facility on the campus of the University of South Carolina (USC). On March 5, 1992, the Government submitted a plan to Congress providing for the creation of the NAC. In FY 1993, additional funds and authorities were enacted to implement the plan and construct the NAC facility. To comply with the intent of Congress, the Government entered into discussions with the USC and the National District Attorneys Association (NDAA). A relocation site was identified and a cooperative agreement was executed between the DOJ and the USC on July 19, 1993. A ground-breaking ceremony was held on May 3, 1996, construction is underway, and classes are tentatively scheduled to begin in April 1998.

The NAC will feature an integrated instructional and residential facility augmented by a conference and research center with student and support services on site. The NAC will provide, for the first time, joint training programs for federal prosecutors, civil attorneys and local prosecutors in areas where they have mutual interests. Examples of these include drug, environmental and white collar prosecutions, as well as new focus areas such as government procurement law and health-care fraud.

The audience to be trained at the facility includes the 4,500 AUSAs across the nation, as well as 3,200 other DOJ attorneys, 13,200 non-DOJ attorneys in the Executive Branch and an estimated 21,000 state and local prosecutors. In addition, federal paralegal and support personnel will be trained at this location.

Operating Positions

Two positions and \$108,000 are requested for new or additional duties which must be performed on site at the NAC. One position is for a fiscal clerk who will be responsible for issuing financial payments (drafts), examining and posting reimbursable charges submitted by contractors, vendors, USC, and NDAA and for reconciling various accounts. It is anticipated that charges for residential and dining services will be approximately \$1.9 million per annum, in addition to charges for reimbursable services directly provided by USC.

Currently, OLE is not responsible for the financial management of a conference center; this will be a new responsibility. It will be complicated by the presence of significant numbers of non-Federal attendees and the need to allocate expenses between multiple accounts or appropriations.

The second position is for a systems manager to operate and maintain three Phoenix servers and 80 personal computer workstations, and to provide technical assistance to staff and instructors regarding presentation of instructional material (e.g. use of Powerpoint, multiple-video monitors). The new servers service three

disparate audiences--Federal staff, NDA staff, and students using the computer lab. Currently, OLE technical requirements are serviced by EOUSA's systems manager.

Unless these new positions are authorized, positions must be reallocated from curriculum teams, thereby diminishing the training extended to United States Attorneys' offices, DOJ Divisions, and Executive Branch Agencies.

Operating Expenses - \$600,000 (half-year expenses)

Activation of the MAC will introduce a number of new expenses for the legal education program. Among other things, these expenses include: utilities for a 260,000 square foot facility; maintenance of a 425 station telephone system; protective services; and reimbursable technical support services. The total estimate for "basic operating expenses" is \$1,600,000 per annum, which will be assessed against OLS. These basic operating expenses are relatively indifferent to course load or facility utilization, at least over the short term. They are best viewed as fixed costs associated with the MAC. Excluded from this estimate are increased costs associated with lodging and meals. These latter costs are addressed separately.

Unless these funds are authorized, OLS will have to significantly reduce training activity to subsidize these expenditures. Absorbing such an increase would decimate the legal education program.

Training Agency Attorneys - \$100,000 (half-year expenses)

Attorneys from all Federal Executive Branch Agencies attend courses presented by OLS. Historically, OLS has not requested nor funded travel and per diem expenses of employees of other cabinet agencies. As a practical matter, most courses targeted at employees of other agencies have been held in the Washington, D.C., metropolitan area.

Relocation of this category of training was an element of the MAC plan presented to the United States Congress in 1992. An annual increase of \$1,400,000 will be needed to pay travel and per diem expenses of "agency attorneys" to attend programs at the MAC. Failure to appropriate this funding will require OLS to require other agencies to pay their employees' travel and per diem expenses, or continue to present this category of training within the District of Columbia metropolitan area.

Neither of these alternatives is desirable; each has significant drawbacks. One imposes additional expenses on the other cabinet agencies, and the other requires the OLS to operate a bifurcated education program, with attendant logistical problems.

Equipment - \$100,000

Base funding for the OLS decision unit does not contain any significant level of funds for equipment acquisition and/or replacement. Funds will be required in FY 1999 for the fitting and equipping of the video production studio for the MAC. It is very likely that other immediate equipment acquisition needs

will be identified as a result of occupancy in 1998. Finally, the instructional support systems, courtroom presentation systems, video production and editing equipment, and guest room furnishings and equipment will require continuous updating and refurbishment in subsequent years.

This enhancement provides a base level of funding for this activity. The funding level represents 10% of the initial furniture and equipment allowance of the MAC.

Relocation Expenses - \$960,000

Some EOUSA employees are expected to accept reassignment from Washington, DC, to Columbia, SC. The transfer of these employees is in the best interest of the Government and they are therefore entitled to payment of relocation expenses. A review of recent relocations established an average relocation expense allowance of \$40,000. Extending this figure to 24 employees results in a requirement for \$960,000 for the payment of relocation expenses. If OLE is required to absorb this expense during FY 1998, course offerings must be reduced by a corresponding amount.

Part 2: Legal Education

Seven positions and \$3,369,000 are requested to supplement the existing staff of OLE and increase the number of courses offered. OLE is charged with providing training for DOJ and government attorneys employed by the Executive branch agencies. OLE, through the Attorney General's Advocacy Institute (AGAI), conducts training for Assistant United States Attorneys and Trial Attorneys in the Department of Justice. The training provided by the AGAI ranges from the basic trial advocacy skills programs, currently the main focus of the Advocacy Institute, to substantive law courses and managerial training programs. The Legal Education Institute (LEI) is the division of OLE that trains the non-DOJ Executive branch attorneys. LEI provides both substantive and procedural legal courses for the agencies.

Assistant Director - Civil Programs

This request is for 1 attorney position, \$112,000 for salary and expenses, and operating expenses of \$43,000 for additional courses. OLE states that USAs from the field can direct work. Program teams in the Department of Justice are continuing to conduct courses for United States Attorneys, and the Department of Justice Litigating Division. OLE uses experienced USAs and Department Trial Attorneys in this capacity in the belief that line attorneys can best translate the needs of the federal litigator into quality training programs.

The OLE employs the use of program teams to develop and execute continuing legal education courses for USAs and Department Litigating Divisions. The teams are comprised of an Assistant Director, Program Manager, and Program Assistant. The Assistant Director is responsible for curriculum development and faculty recruitment. The Program Manager serves as the coordinator and contract officer for the team, while the Program Assistant provides clerical support.

OLE currently has two civil training teams headed by a single Assistant Director, an arrangement that hampers the efficiency of both training teams, because the single Assistant Director position cannot conduct and execute as many courses as the two teams can support.

Due to the increase in recent years of various civil program priorities, e.g., Alternative Dispute Resolution, Affirmative Civil Enforcement, etc., OLE's Assistant Director position dedicated to developing and executing civil programs has been utilized beyond maximum efficiency. One position currently directs the work of two program teams, a situation not found in any other program area. While a single civil Assistant Director might be able to envision enough courses to fill the workload of two training teams, it is not possible for the single civil Assistant Director to execute a double course load, which requires the organization and direction of working groups, faculty recruitment, development of course materials, and site coordination. The nature of developing such training requires daily, sometimes hourly, attention to the majority of details. This requires quick response time on the part of the Assistant Director. Adding a second detailee as an Assistant Director for Civil Programs will result in more rapid course development time and greater program capabilities.

For instance, in FY 1996, the two criminal program teams will conduct 37 courses, while the two civil program teams, with only one Assistant Director, will conduct 36 courses. This discrepancy is due to the fact that United States Attorneys' offices require more criminal training than civil. Because of the inability of the Civil Assistant Director to be on site with two separate teams and coordinate fully the work of both teams adds to the discrepancy. With an additional Civil Assistant Director, OLE could conduct 20 percent more courses (approximately six courses) than currently scheduled and train approximately 330 more students. The additional six courses that could be conducted by adding a Civil Assistant Director would cost \$75,000 per course for a total of \$475,000.

Paralegal/Support Staff Training Team

This request is for 3 positions, \$163,000 for salaries and expenses, and operating expenses of \$1,500,000 for 20 additional courses. IAI is tasked with the training of all paralegal/support staff in United States Attorneys' offices and DOJ Litigating Divisions. OLE employs the use of program teams to develop and execute courses and conduct training. The Assistant Director is responsible for curriculum development and faculty recruitment. The Program Manager serves as the coordinator and contract officer for the team, while the Program Assistant provides clerical support.

An additional training team will be able to develop and execute 20 additional paralegal/support staff courses each fiscal year and train approximately 1,100 additional paralegal/support staff. This would bring the total of paralegal/support staff trained each year to 2,200. With 4,528 authorized paralegal/support staff positions in United States Attorneys' offices alone (thus, not including the Department Litigating Divisions), it would take more than two years to provide one course for each person.

Due to the increase in recent years of various paralegal/support staff program priorities to support the administration's emphasis on support training, OLE's single training team and this activity is taxed beyond its limits. OLE trained the following paralegals and support staff in FY 93-94:

Fiscal Year	Courses	Paralegals/Support Trained
1993	11	596
1994	13	690
1995	16	777
1996	19	1,163

The above figures represent an increase from FY 1993 to FY 1996 of 81.8 percent in the number of courses and an increase of 84.6 percent in the number of paralegals/support staff trained. OLG has achieved these increases without an increase in resources for these programs. Even with this significant increase in courses and students trained, OLE was able to train approximately only one of every 2.2 applicants who applied for paralegal/support staff training courses in FY 1995 (777 trained of 1722 nominated). These additional positions will be able to develop and execute an additional 20 courses and train approximately 1,100 students each fiscal year to meet the increasing demand for such training.

Current paralegal/support staff training courses cost on average \$75,000 per course. These expenses are incurred through such items as travel, per diem for faculty and students, printing of materials, and on occasion, contract faculty. Based on an additional 20 courses executed by a new training team, the total operating expenses needed would be \$1.5 million.

Trial Advocacy Training Team

This request is for 3 positions, \$220,000 for salaries and expenses, and operating expenses of \$900,000 for 12 additional courses. The Office of Legal Education, through the Attorney General's Advocacy Institute, is tasked with the training of all AUSAs and Department Litigating Division Trial Attorneys. OLG employs the use of program teams to develop and execute continuing legal education courses. The teams are comprised of an Assistant Director (an experienced AUSA detailed from the field), Program Manager, and Program Assistant. The Assistant Director is responsible for curriculum development and faculty recruitment. The Program Manager serves as the coordinator and contact officer for the team, while the Program Assistant provides clerical support.

Advocacy courses represent a crucial aspect of a new attorney's training and are currently conducted by the criminal and civil program teams. The courses are of such importance that they require their own team to support advocacy training. With a trial advocacy team, the civil and criminal program teams would be relieved from conducting approximately 12 courses each fiscal year, thereby allowing them to devote more time and resources to substantive legal courses rather than basic trial advocacy courses.

OLE currently conducts an average of 12 basic advocacy skills training courses each fiscal year. These courses teach new AUSAs and Department Trial Attorneys the skills necessary to practice in the Federal courtroom. Courses include skills for attorneys working in criminal, civil, and appellate areas. The civil and criminal program teams currently conduct these advocacy courses in addition to their normal workload related to substantive legal training. As a result, the criminal and civil teams are not able to devote

full time to the ever-changing area of advocacy training. With the advent of computer-based evidence and other technological innovations in litigation, a new training team devoted exclusively to developing training in advocacy skills is essential.

Adding a new team to conduct advocacy training would also relieve the current criminal and civil programs of 12 courses each. With additional operating expenses for this initiative, adding a trial advocacy training team would allow OIG to conduct 12 more substantive legal courses and train approximately 660 more students. These 12 courses would cost approximately \$75,000 per course for a total of \$900,000.

We will measure our success, if provided the resources, by: opening the National Advocacy Center in April 1998 with sufficient staffing and operating expenses in a university-like environment; increasing the number of paralegal/support staff training courses by 20; increasing the number of paralegal/support staff trained by approximately 1,100 people; increasing the number of civil attorneys trained by 330 people; increasing the number of civil training programs offered each year by six; increasing the response time and efficiency of both civil training teams currently in use; increasing both the civil and criminal non-advocacy programs by a total of 12 courses; increasing the number of civil and criminal attorneys trained in non-advocacy programs by 880 people; measuring the rate of student attrition within the training program; and, evaluating the legal proficiency of our attorneys, and the expertise of our paralegal and support positions.

Perms.	Est.	FIS	Amount
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ACTIVATION OF NATIONAL ADVOCACY CENTER State and Local Training Decision Unit

...	\$2,097
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This initiative seeks to provide operating funds for the National District Attorneys Association (NDAA) to implement a continuing education program for local prosecutors and allied professionals at the MAC. The United States Attorneys are requesting \$2,097,000 in support of the NDAA's participation at the MAC.

In 1991, NDAA was invited by the DOJ to participate in the establishment of the MAC which features an integrated instructional and residential facility augmented with student and support services on site. A cooperative agreement was executed between NDAA and DOJ on July 22, 1996. The MAC will provide, for the first time, joint training programs for federal prosecutors, civil government attorneys, and local prosecutors in areas where they have mutual interests, as well as a facility for training programs designed for federal and local prosecutors. The service population is an estimated 23,000 local prosecutors, plus an unknown number of criminal investigators and allied professionals. Annually, 2,000 will participate.

Because of the unique nature of the local prosecutor's role as the chief law enforcement official of a community, NDAA will implement a training program at the MAC consisting of two components: skills building and professional development. The skills building component will enhance prosecutors' skills in analyzing, preparing, and presenting criminal cases. The professional development component will support the

prosecutor's policy making role through special issue conferences, policy development workshops, and working groups. These activities will include participation of law enforcement and other allied professionals as appropriate.

To establish a high-quality education program for local prosecutors at the MAC, NDAA will require additional staff. NDAA does not currently have staff to transfer to the MAC who can design and deliver the contemplated programs. NDAA's two affiliates, the National College of District Attorneys (NCDA) and the American Prosecutors Research Institute (APRI), currently provide training and curriculum development for local prosecutors. The program at the MAC will augment, not replace, programs delivered by NCDA and APRI.

Staff Positions

- Director of Training (DOT) - NDAA will assign a DOT to oversee all activities pertaining to local prosecutor training programs at the MAC. The DOT will report directly to the Executive Director of NDAA and will ensure that the MAC programs are carried out in compliance with the cooperative agreement with DOJ. The DOT will be the main point of contact with DOJ management staff at the MAC.
 - Assistant Director of Training (ADOT) - The ADOT will manage day-to-day activities of NDAA programs at the MAC. The ADOT will participate in planning NDAA programs and will coordinate NDAA activities with DOJ training staff at the MAC.
 - Program Planning Teams - Four training teams will be formed consisting of a program manager and assistant program manager which will be responsible for planning, designing, and delivering all training activities at the MAC. The program manager will be seasoned local prosecutors with training experience including criminal justice education. The assistant program manager will be responsible for coordinating training activities and producing training materials. Two secretaries will provide support for these activities.
 - Accounting Specialist - The accounting specialist will be responsible for maintaining financial records, producing budgets and expenditure reports, and handling accounts payable for all NDAA activities at the MAC.
 - Audio Visual Specialist - An important feature of the MAC is the use of state-of-the-art technology in continuing legal education programs. An experienced technician will be required to operate and maintain audio visual equipment and to train NDAA staff in the use of this equipment.
 - Administrative Assistant - An administrative assistant will provide support to the Director and Assistant Director and maintain personnel records and program documentation.
- Salaries for the staff for half-year are projected at \$445,000 and benefits are projected at \$120,150. NDAA staff at the MAC will receive benefits comparable to those provided to NDAA headquarters staff. Among these benefits are SUTA, workman's compensation, FICA and medicare, health insurance, long and short term disability, and pension which will begin six months after employment. The benefits' cost rate is calculated by dividing estimated benefits' costs by total projected salaries resulting in a rate of 27 percent.

Operating Expenses - \$407,050 (half-year expenses)

Administration of the MAC will require NDAA headquarters staff to provide support to the MAC operations. This support will consist of accounting and financial control, communication with the MAC staff, and official by NDAA executive staff, directing staff and phone calls to the MAC and processing and producing required reports and documentation. In addition, a portion of liability insurance and audit expenses will be allocated for the MAC operations.

Many of the planned training courses will require expert faculty from fields outside of prosecution. NDAA is budgeting 850 days of faculty time at a cost of \$350 per day. NDAA will engage a professional publications design consultant to develop designs and formats for training materials, as well as promotional materials informing local prosecutors, investigators, and allied professionals of programs offered at the MAC.

Other operating expenses will include postage for routine correspondence and promotional materials; telecommunications; printing; supplies; reference materials including books, subscriptions, and software; and equipment to supplement that provided at the MAC.

Participant, Faculty, and Staff Travel - \$1,067,260 (half-year expenses)

Access by local prosecutors to current legal education programs is limited by tight budgets to support travel and subsistence costs. NDAA is requesting funds to cover travel and subsistence costs for prosecutors, allied professionals, and faculty members to participate in training programs at the MAC. Subsistence costs are based on costs of providing lodging and meals to participants while at the MAC and to pay round trip airfare from city of residence to Columbia, SC. In addition, expenses are budgeted for NDAA staff at the MAC to travel to NDAA headquarters in Alexandria, VA, to meetings of the NDAA Board of Directors and other conferences and meetings as necessary.

Candidate Travel and Relocation Expenses - \$37,540

Expenses are budgeted for two candidates for each of the Director, Assistant Director, and four program manager positions to travel to either NDAA headquarters or Columbia, SC, to participate in interviews with members of the NDAA Executive Committee and executive staff. Travel expenses, limited to airfare and a housing allowance of \$83 per day for a maximum of 30 days, will also be paid, if necessary. Individuals selected for the Director, Assistant Director, and the four program manager positions will be reimbursed for costs incurred in moving household items not to exceed \$5,000 per individual.

FREEDOM OF INFORMATION ACT/PRIVACY ACT

Management and Administration Decision Unit	Perm.	MY	Amount
Civil Decision Unit (District of Columbia)	Pos.	2	\$177
Total		2	150
		4	\$337

The United States Attorneys are requesting 8 positions, 4 MY, and \$337,000 to provide information to the public in an open, timely, and complete manner, reduce the backlog of Freedom of Information Act (FOIA)/Privacy Act (PA) requests, comply with the Electronic Freedom of Information Improvement Act of 1996, and assure adequate protection of the Department's and the government's interest in FOIA cases.

Five paralegal positions, 2 MY, and \$177,000 is requested for EOUSA.

Under the provisions of FOIA and the Privacy Act, any person has the right, enforceable in court, to obtain information about the actions of a government agency, unless the information should not be disclosed because of one or more exemptions available under the statutes. Pursuant to the statutes, the federal agency must either provide the information requested, or explain why it will not be provided, within 10 days of receiving the request. EOUSA is responsible for processing all such requests made of the United States Attorneys (except for requests concerning the District of Columbia). If a response is not received within 10 days, the requester may file suit in court. All delays subject us to litigation. If litigation results in obtaining the information, the government must pay attorneys' fees. Excessive delays are subject to investigation by the Office of Special Counsel, at anyone's request.

The litigation caseload has risen from 60 cases in October 1993 to 98 cases in December 1996. A senior attorney was assigned to the staff to increase the number of attorneys available to assist in litigation and legal matters. However, the number of declarations, Vaughn Indexes, and pleadings in March (25) and April (19) 1996 were three times the number of a month in the previous year.

There is no flexibility in responding to court-ordered deadlines, and the attorneys on the staff have much less time to review requests, if they are completely overwhelmed with the litigation. Litigation entails "court-ordered" deadlines for processing, which also delays regular processing.

Litigation costs the entire system. Many of the cases in litigation are brought because of the delays and not because of the final determinations. If the delays in processing could be reduced, the litigation will also be reduced. This is somewhat of a "catch-22" which needs intervention by the addition of sufficient personnel to keep the backlog down.

The courts are continuing to order agencies to assign sufficient resources to meet the statutory 10 day deadline for processing a request. Most courts have been permitting a more reasonable time to respond, but even those decisions are contingent upon the agency having requested in its official budget additional resources to meet the FOIA/PA responsibilities. That contingency will end on October 1, 1997 with the effective date of the Electronic Freedom of Information Improvement Act of 1996, Public Law No. 104-201, when requests must be completed within 20 days and the courts will no longer have the power to extend the

time limits. If the FOIA/PA Staff is unable to meet all deadlines, a likelihood of default exists which may result in release of sensitive records from criminal case files to the requester without opportunity to assert the exemptions available under the statute.

FOIA WORKLOAD

FY	NEW REQUESTS	REQUESTS COMPLETED	PENDING/ BACKLOG
1996	3,420	2,856	970
1997	3,900	3,181	1,689
1998	4,400	3,181	2,908

During FY 1994, EOUSA received approximately 210 FOIA/PA requests each month. During FY 1995, EOUSA received approximately 275 requests per month. This number, in addition to the backlog carried over from the previous FY, resulted in a FY 1995 workload of 4,374 requests. During FY 1996, the level of receipt was 285 per month. We anticipate a receipt of approximately 322 requests per month in FY 1997, and a receipt of approximately 367 requests per month in FY 1998.

Moreover, the complexity of the work is increasing in direct proportion to the complexity of the cases prosecuted and litigated by the United States Attorneys. Processing a FOIA/PA request in a single defendant drug possession case is considerably simpler than processing a request in a multi-defendant drug conspiracy/continuing enterprise case.

Additional resources will be needed to handle the growing request backlog. As shown on the Workload Chart, the workload will be 6,089 in FY 1998 (FY 1997 backlog of 1,689 plus the 4,400 new requests in FY 1998).

Presently, the average number of requests processed in a year by a paralegal on staff is 408. The support staff members are able to process approximately 163 requests each. There are now two attorneys, six paralegals, and 4.5 additional WY assigned to the staff. With the FY 1998 anticipated workload of 6,089 requests, an additional five paralegals are needed.

An additional 3 positions (2 attorneys), 2 WY, and \$160,000 is requested to fund two new attorney and one paralegal position in the Civil Division of the United States Attorney's Office for the District of Columbia.

These positions are needed because recent amendments to the Freedom of Information Act, enacted by Congress through the Electronic Freedom of Information Improvement Act of 1996, Public Law No. 104-231, as well as new statutory provisions affecting FOIA litigation enacted as part of the National Defense Authorization Act for Fiscal Year 1997, Public Law No. 104-201, have created new standards and new issues that will need to be defined and resolved by the Courts in litigation of FOIA cases during the next several years.

As the Civil Division of the United States Attorney's Office in the District of Columbia is responsible for litigating roughly 50 percent of the FOIA cases brought against the government nationwide, an expansion of the Department's FOIA staff would be a logical step in order to ensure that the Department is able to provide adequate protection of the Department's and the government's interests in proper resolution of various legal issues that will predictably arise in FOIA cases under the new statutory amendments.

United States Attorney's
Salaries and Expenses
Justification of Multi-Activity Program Changes
(Dollars in thousands)

Estimates by budget activity	Narcotics			Counter-Terrorism			Victims Rights			Organized Crime		
	Perm Pos	WY Amount	Pos	WY Amount	Perm Pos	WY Amount	Perm Pos	WY Amount	Perm Pos	WY Amount	Perm Pos	WY Amount
Criminal Litigation	56	28	\$5,161	40	15	\$1,100	114	67	\$10,488	41	21	\$3,779
Civil Litigation	0	0	\$0	0	0	\$0	0	0	\$0	0	0	\$0
Office of Legal Education	0	0	\$0	0	0	\$0	0	0	\$0	0	0	\$0
Management & Administration	0	0	\$0	0	0	\$0	0	0	\$0	0	0	\$0
Total	56	28	\$5,161	40	15	\$1,100	114	67	\$10,488	41	21	\$3,779

Estimates by budget activity	Defensive			Southwest Border			Child Support Enforcement			D.C. Superior Court		
	Perm Pos	WY Amount	Pos	WY Amount	Perm Pos	WY Amount	Perm Pos	WY Amount	Perm Pos	WY Amount	Perm Pos	WY Amount
Criminal Litigation	0	0	\$0	60	30	\$4,982	10	5	\$632	165	83	\$11,900
Civil Litigation	115	58	\$9,140	0	0	\$0	0	0	\$0	0	0	\$0
Office of Legal Education	0	0	\$0	0	0	\$0	0	0	\$0	0	0	\$0
Management & Administration	0	0	\$0	0	0	\$0	0	0	\$0	0	0	\$0
Total	115	58	\$9,140	60	30	\$4,982	10	5	\$632	165	83	\$11,900

Estimates by budget activity	Legal Education			National Advocacy Center			National District Attorneys Association			Electronic FOIA		
	Perm Pos	WY Amount	Pos	WY Amount	Perm Pos	WY Amount	Perm Pos	WY Amount	Perm Pos	WY Amount	Perm Pos	WY Amount
Criminal Litigation	0	0	\$0	0	0	\$0	0	0	\$0	0	0	\$0
Civil Litigation	0	0	\$0	0	0	\$0	0	0	\$0	0	0	\$0
Office of Legal Education	7	5	\$1,369	2	1	\$2,868	0	0	\$0	0	0	\$0
Management & Administration	0	0	\$0	0	0	\$0	0	0	\$0	0	0	\$0
State and Local Training	0	0	\$0	0	0	\$0	0	0	\$2,097	0	0	\$0
Total	7	5	\$1,369	2	1	\$2,868	0	0	\$2,097	0	0	\$0

United States Attorneys
Salaries and Expenses
Justification of Multi-Activity Program Changes
(Dollars in thousands)

Explanates by budget activity	Total	
	Perm Pos.	WY Amount
Criminal Litigation	496	249 \$470,042
Civil Litigation	118	64 9,300
Office of Legal Education	9	6 6,217
Management & Administration	5	1 177
State and Local Training	0	0 2,997
Total	628	318 \$57,853

The Narcotics initiative includes 56 positions, 28 workyears and \$5,161,000 to combat the expansion of methamphetamine and the increased usage of heroin

The Counter-Terrorism initiative includes 30 positions, 15 workyears and \$3,100,000 to enhance counter-terrorism activities of the U.S. Attorneys

The Victims' Rights initiative includes 134 positions, 67 workyears and \$10,488,000 to enhance efforts in dealing with victims and witnesses of federal crimes

The Organized Crime initiative includes 41 positions, 21 workyears and \$1,779,000 to combat the Nigerian Mafia and the increased presence of the Russian Mafia in the United States

The Defensive Civil initiative includes 115 positions, 58 workyears and \$9,140,000 in support of Civil Defensive Litigation

The Southwest Border initiative includes 60 positions, 30 workyears and \$4,982,000 to combat drug, immigration and Official Corruption along the Southwest Border

The Child Support Enforcement initiative includes 10 positions, 5 workyears and \$612,000 to enhance the resources available to support the Child Support recovery efforts of the United States Attorneys

The D.C. Superior Court initiative includes 165 positions, 83 workyears and \$11,900,000 to increase the effectiveness of the Superior Court operations

The Legal Education initiative includes 9 positions, 6 workyears and \$6,217,000 to add staff and operating funds for the National Attorneys Association

The State and Local Training initiative includes \$2,097,000 for the National District Attorneys Association

The Electronic FOIA initiative includes 8 positions, 5 workyears and \$137,000 to comply with the requirement to provide electronic availability of inquiries and to assist in minimizing the backlog of requests

United States Airways
Salaries and Expenses
Federal Employees Compensation
(Values in thousands)

Item	Travel		Total		Office of		Management &		State and Local		Total	
	Pos	Amount	Pos	Amount	Legal Education	Amount	Pos	Amount	Pos	Amount	Pos	Amount
OS 11	56	\$1,017	46	\$2,411	0	0	4	\$11	0	0	148	\$1,827
OS 12	52	2,301	0	0	0	0	0	0	0	0	52	2,313
OS 11	16	6,157	82	3,034	0	0	7	260	0	0	234	9,508
OS 8	212	5,883	84	2,532	0	\$164	1	26	0	0	294	8,441
Ungraded	21	18,562	148	12,596	2	13	17	260	0	0	378	31,962
Total positions and annual rate	466	\$27,529	360	\$20,573	2	\$177	24	\$557	0	\$0	612	\$49,769
Other personnel compensation	(148)	(18,117)	(180)	(17,301)	(3)	(182)	(18)	(413)	0	(143)	(149)	(39,482)
Total employees and personnel												
Compensation												
Personal benefits	34	20,426	180	10,565	6	193	9	441	0	441	51	\$1,817
Travel and transportation of persons												
Transportation of persons		6,278		3,861		46		138		138		10,046
Transportation of things		1,070		1,741		1,486		46		1,721		7,800
Utilities		1,171		1,741		1,486		46		1,721		7,800
Medical payments to others		4,972		2,162		54		102		64		7,332
Travel, lodging, and meal charges		306		191		5		10		5		402
Printing		2,489		1,245		91		51		51		3,785
Other services		139		278		4		31		31		886
Supplies and materials		19,480		15,336		3,792		213		238		39,049
Equipment		893		432		10		21		21		1,371
Total program employees and obligations		16,111		6,081		401		1,185		18		21,761
Unassigned, 1968		14,412		10,541		6		2,256		2,097		34,546

**UNITED STATES ATTORNEYS
Salaries and Expenses**

**Status of Congressionally Requested
Funding, Receipts, and Evaluations**

Senate Report (103-109) and Committee Report (103-708), both associated with the 1995 Appropriations Act for the Department of Commerce, Water, and the Judiciary, indicated agencies receive a quarterly report on the expenditures of violent crime task force resources. Reports on the status of the task force funds continue to be provided each quarter.

United States Attorneys
Salaries and Expenses
1998 Priority Rankings

BASE PROGRAM		PROGRAM INCREASE	
Program	Ranking	Initiative	Ranking
Criminal	1	Counter-Terrorism	1
Civil	2	Narcotics	2
Management and	3	Victims' Rights	3
Administration	4	Organized Crime	4
Legal Education		Defensive Civil	5
		Southwest Border	6
		Child Support Enforcement	7
		D.C. Superior Court	8
		Legal Education and	9
		National Advocacy Center	
		National District	10
		Attorneys Association	11
		Electronic FOIA	

United States Attorneys
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996		1997		Program Changes	1998	
	Authorized	Reimbursable	Authorized	Reimbursable		Authorized	Reimbursable
Attorney (903)	3,976	521	3,976	534	221	4,197	534
Paralegal Specialist (950)	711	65	711	74	110	841	74
Legal Clerk and Technician (966)	2,125		2,125		248	2,373	
Criminal Investigative Series (1811)	11		13			13	
General Investigative Series (1810)	2		2			2	
Other Miscellaneous Occupations (080)	11		11			11	
Social Sciences, Economics and Landred (100-199)	6		6			6	
Personnel Management (200-299)	59		59			59	
General Administrative and Clerical (300-399)	1,227	378	1,227	404	52	1,279	404
Accounting and Budget (500-599)	115	13	115	33		115	33
Information and Arts Group (1000-1999)	11		11			11	
Business and Industry Group (1100-1199)	6		6			6	
Library and Archives Group (1400-1499)	11		11			11	
Supply Group (2000-2099)	7		7			7	
Transportation (2100-2199)	1		1			1	
Sub Total	8,325	997	8,325	1,045	631	8,956	1,045
Washington	181		184		5	189	
U.S. Field I/	8,141	997	8,144	1,045	623	8,767	1,045
Foreign Field							
Total	8,325	997	8,328	1,045	628	8,956	1,045

I/ Includes positions for field offices in the Washington, D.C. Standard Metropolitan Statistical Area in each year.

United States Attorneys
Summary of Attorneys and Support Positions
FY 1997 - 1998

Appropriated Positions Decision Unit	1997 Appropriation Elected						1998 Program Changes						1998 Request Level					
	Pos.	FTE	Pos.	FTE	Total Pos.	Total FTE	Attorneys Pos.	Attorneys FTE	Support Pos.	Support FTE	Total Pos.	Total FTE	Attorneys Pos.	Attorneys FTE	Support Pos.	Support FTE	Total Pos.	Total FTE
Criminal Litigation	3,141	2,875	3,379	3,451	6,520	6,326	175	165	327	299	502	464	3,316	3,040	3,706	3,750	7,022	6,790
Civil Litigation	1,041	1,072	1,051	1,051	1,992	2,052	4	4	71	106	115	106	1,361	1,146	1,971	1,956	2,048	2,056
Legal Education	3	3	34	25	37	28	2	1	7	5	9	8	5	4	31	30	36	34
Management and Administration	11	12	174	202	185	214	0	0	5	8	5	8	11	12	179	211	190	223
Total	4,202	3,962	4,483	4,660	8,685	8,622	221	240	410	419	631	659	4,423	4,202	4,893	5,079	9,318	9,281

Reimbursable Positions Decision Unit	1997 Request to Congress						1998 Program Changes						1998 Request Level					
	Pos.	FTE	Pos.	FTE	Total Pos.	Total FTE	Attorneys Pos.	Attorneys FTE	Support Pos.	Support FTE	Total Pos.	Total FTE	Attorneys Pos.	Attorneys FTE	Support Pos.	Support FTE	Total Pos.	Total FTE
OCDETF	484	483	403	384	887	847	0	0	0	0	0	0	484	483	403	384	887	852
Justice Management Division	50	50	108	108	158	158	0	0	0	0	0	0	50	50	108	108	158	158
Other	0	0	0	0	0	0	0	43	0	0	43	43	0	43	0	0	43	43
Total	534	513	511	492	1,045	1,005	0	43	0	0	43	43	534	526	511	484	1,045	1,043

United States Marine Corps
Salaries and Expenses
Summary of Change
(Dollars in thousands)

Adjustments to base, 1997 Appropriation Anticipated	Pos.	W.Y.	Appropriation
	8,323	8,635	\$943,514
Mandatory increases			
1998 Pay Rate			\$13,948
Within-grade increases (WFO)			1,641
Annualization of 1997 Pay Rate			5,037
Accident Compensation			135
Administrative Salary Increase			4,056
Travel Mile Allowance Rate			40
Correspondence Management System			33
Investigation Transportation			28
Norfolk Marine Islands	3	3	375
General Pricing Level Adjustments			3,091
Total, mandatory increases	3	3	\$24,424
Decreases			
Nonrecurring Decreases for IBT			(\$1,900)
Nonrecurring Decreases for Department of Labor transfer			(3,821)
Nonrecurring Decreases for HDTA transfer			(5,433)
Total, decreases			(\$11,174)

United States Attorney
Salaries and Expenses
Summary of Change
(Dollars in thousands)

1998 Title	Perm. Pos.	NY 6,618	Amount \$960,764
Program increases			
Counter-Terrorism	30	15	\$3,100
Southern Border	60	30	4,982
Electronic FMA	8	5	337
Narcotics	56	28	5,161
Organized Crime	41	21	3,779
Victims' Rights	134	67	10,488
Child Support Enforcement	10	5	632
Infrastructure (DC Support)	66	33	3,877
Infrastructure (DC Legal)	99	50	8,023
Defensive	115	58	9,140
Legal Education	7	5	3,349
National Advocacy Center	2	1	2,868
National District Attorney's Association			2,097
Total program increases	628	318	\$17,813
1998 Request	8,956	8,956	\$1,018,617

United States Attorneys
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

	Perm Pos.	Work- years	Amount
1998 pay raise			\$13,948
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the 1998 President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$13,948,000 represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$11,548,000 for pay and \$2,400,000 for benefits)			
Within-grade increases			1,681
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$1,380,000 for pay and \$301,000 for benefits.			
Annualization of 1997 pay raise			5,037
This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested \$5,037,000 represents the pay amounts for three quarters of the year (\$4,134,000 for compensation and \$903,000 for benefits)			
Accident compensation			135
This increase reflects the billing provided by the Department of Labor for the actual costs in 1998 of employees' accident compensation, which will be billed in 1998. The 1998 increased cost will be \$135,000.			
Administrative Salary Increase			4,056
This request provides for an expected annual pay adjustment of administratively determined salaries for the Assistant U.S. Attorneys occupying ungraded positions in the U.S. Attorneys offices (\$3,326,000 for pay and \$728,000 for benefits = \$4,056,000)			
Mileage allowance rate increase			40
The mileage allowance rate has increased from 30 to 31 cents per mile. An increase of \$40,000 is requested in 1998 to cover this rate adjustment.			

United States Attorneys
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount \$33
Correspondence Management System An increase of \$33,000 is required in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. This new system, provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved recordkeeping, and improved reporting capability.			
Investigation/Reinvestigation Executive Order 10450 "Security Requirements for Government Employees" requires that appointments of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. Additional funding is required to cover the costs of additional contractor support needed to ensure timely compliance with this Executive Order. It is critical to accommodate the Department's security requirements by ensuring investigations and reinvestigations are timely initiated on newly appointed civilian officers and employees.			28
Northern Mariana Islands Prior to 1998, the Department of Interior reimbursed the Department of Justice for the costs of addressing serious crime problems in the Commonwealth of the Northern Mariana Islands (CNMI). However, beginning in 1998, reimbursement of these costs will not be available. Funding of \$375,000 is requested to maintain current efforts in CNMI.	3	3	375
General pricing level adjustments This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			3,061
Total, mandatory increases.....	3	3	\$28,424
Decreases			
IBT increase.....			(\$1,900)
Nonrecurring costs associated with the IBT increase received in the 1997 budget			
Nonrecurring Department of Labor transfer.....			(3,821)
Nonrecurring HIDTA transfer.....			(5,453)
Total, decreases.....			(\$11,174)
Total, Adjustments to base.....	3	3	\$17,250

**United States Airways
Salaries and Expenses
Summary of Requirements by Grade and Object Class**
(Dollars in thousands)

Grade and Salary Range	1996 Located		1997 Request		1998 Estimate		Increase/Decrease	
	Pos. & Wty.	Amount	Pos. & Wty.	Amount	Pos. & Wty.	Amount	Pos. & Wty.	Amount
EA-6, \$131,000	1	1	1	1	1			
EA-5, \$119,836	2	2	2	2	2			
EA-3, \$113,751	1	1	1	1	1			
EA-2, \$108,824	1	1	1	1	1			
OB-15, \$75,935-96,714	26	26	23	23	23			
OB-14, \$69,555-89,334	46	46	46	46	46			
OB-13, \$54,296-71,012	180	180	180	180	180			
OB-12, \$45,596-59,723	301	301	301	301	313			
OB-11, \$38,336-49,831	425	425	425	425	515			52
OB-10, \$34,877-45,556	70	70	70	70	70			110
OB-9, \$31,480-41,185	159	159	159	159	159			
OB-8, \$28,480-37,186	159	159	159	159	159			
OB-7, \$25,977-33,683	1,658	1,658	1,658	1,658	1,460			246
OB-6, \$23,565-30,294	284	284	284	284	284			2
OB-5, \$20,506-27,183	256	256	256	256	256			
OB-4, \$18,687-24,298	201	201	201	201	201			
OB-3, \$16,675-21,611	150	150	150	150	150			
OB-2, \$15,566-19,501	9	9	9	9	9			
Ungraded positions	3,976	3,976	3,976	3,976	4,197			221
1996 Pay Base		\$31,277		\$31,277				\$15,399
1997 Pay Base		\$31,277		\$31,277				\$15,399
Total, appropriated positions	8,335	\$31,277	8,325	\$31,277	8,556	\$543,362	631	\$33,840
Pay above stated annual rates								
Low pay	(793)	(54,145)	(140)	(54,520)	(850)	(54,148)	(130)	(17,328)
Average due to lower pay scales for part of year		(2,218)		(4,134)		(1,849)		383
Net, full-time permanent	7,533	\$47,492	7,785	\$49,694	8,106	\$512,455	311	\$32,761
Other full-time permanent								
Part-time permanent	248	11,158	378	18,101	375	15,594		493
Temporary employees	441	11,798	472	21,093	472	21,894		601
Other permanent compensation								
Overtime								
Low Estimated Availability Pay	71	3,653	71	3,312	74	3,446	3	234
Other compensation	8	224	8	190	8	195	5	5
Special incentive awards payments		635		547		570		23
Retirement and medical payments		3,699		3,997		3,215		18
Total, full-time & permanent compensation	8,471	\$56,979	8,714	\$54,824	9,038	\$56,168	334	\$24,333
Average Ungraded		\$37,227		\$39,197		\$48,923		
Average ES Salary		\$115,100		\$106,780		\$106,780		
Average GS Salary		\$37,394		\$33,234		\$34,100		
Average GS Credit		1.00		8.00		8.15		

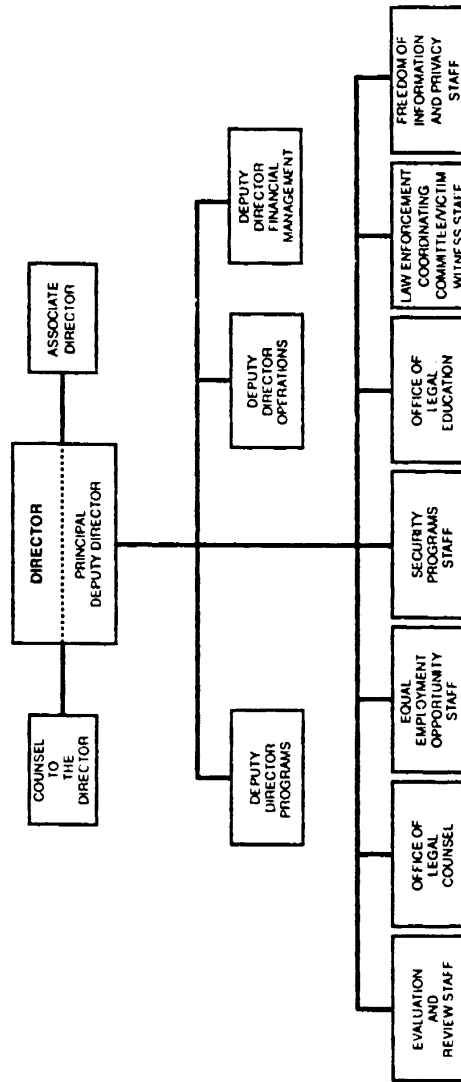
United States Attorneys Salaries and Expenses Summary of Appropriations by Object and Object Class (Dollars in thousands)									
Object Class	1996 Actual		1996 Estimate		1996 Request		Increase/Decrease		
	Wtys.	Amount	Wtys.	Amount	Wtys.	Amount	Wtys.	Amount	
11.1 Total travel years & personnel compensation	7,513	\$4,114,492	7,753	\$4,494,444	8,108	\$5,124,515	321	\$322,761	
11.3 Other than full-time personnel	869	219,956	850	40,184	850	41,288		1,094	
11.5 Other personnel compensation	79	3,932	79	3,949	82	4,233	3	283	
11.8 Special personnel services payments	1,619			2,997		2,215		218	
Total	8,421	\$66,999	8,714	\$56,814	9,038	\$61,149	324	\$24,335	
12.0 Personnel benefits									
12.0 Personnel benefits	111,810		112,326		122,393				
13.0 Benefits to former personnel	100		719		719				
21.0 Travel and transportation of persons	16,550		12,091		17,892				
21.0 Transportation of things	2,261		2,429		2,868				
23.1 USA rent	129,025		121,394		123,220				
23.2 Rental payments to others	6,133		6,133		6,422				
23.3 Comm. and other misc. charges	26,294		30,429		32,953				
23.4 Printing and reproduction	4,012		4,012		4,012				
23.5 Advertising and public relations	833		833		862				
23.6 Other services	54,624		49,675		71,812				
23.7 Purchase of goods & less than Gov't accounts	11,286		14,080		14,512				
23.8 Operation and maintenance of facilities	7,817		8,083		8,331				
23.9 Medical care	850		850		876				
23.7 Operation and maintenance of equipment	7,586		7,793		8,032				
26.0 Supplies and materials	19,445		16,670		17,961				
31.8 Equipment	17,649		12,997		21,811				
Total obligations	8,421	\$12,097	8,714	\$91,090	9,038	\$101,617	324	\$60,527	
Unobligated balance, start of year		(16,491)		(13,991)					
Unobligated balance, end of year		1,591		84,119		101,617			
Total requirements		\$90,557		\$94,119		\$101,617			
Reconciliation of Obligations to Outlays									
Total obligations		\$12,097		\$91,090		\$101,617			
Obligated balance, start of year		(16,491)		(13,991)		(13,991)			
Obligated balance, end of year		1,591		84,119		101,617			
Outlays		\$90,557		\$94,119		\$101,617			

Department of Justice
United States Attorney
Violent Crime Reduction Trust Program
Estimates Fiscal Year 1998

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EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS



Violent Crime Reduction Program, United States Attorneys

Summary Statement

FISCAL YEAR 1998

The United States Attorneys are requesting, for 1998, a total of 387 positions (including 196 attorneys) 360 workyears, and \$50,828,000. This request represents an increase of 60 positions (including 3 attorneys), 30 workyears, and \$4,700,000 above the 1998 base.

The United States Attorneys are the principal litigators for the United States Government. It is their task to prosecute those who violate our nation's laws, to protect the public from those who would illegally further their private interests at the expense of the general welfare, to protect the legitimate powers of the Federal Government from those who would usurp those powers, and to assert policies established by the Congress, the Administration and the Attorney General.

The United States Attorneys' request consists of two decision units. They are: Criminal Litigation and Civil Litigation. The request for each decision unit is discussed below.

CRIMINAL LITIGATION:

The criminal litigation activity is conducted by 94 United States Attorneys' offices, each of which has the responsibility for the investigation and prosecution of a wide-range of criminal violations. The United States Attorneys' request includes an increase 60 positions (including 3 attorneys), 30 workyears and \$4,700,000 to: continue and increase the success of Operation Ceasefire (Brady Bill) to remove firearms from the streets of the District of Columbia (DC); increase assistance to witnesses and victims of crime; and, enhance prosecutions by adding investigators to DC Superior Court, and relieving an overburdened DC police force that cannot provide adequate investigative support.

CIVIL LITIGATION:

Civil Litigation is conducted by 94 U.S. Attorneys' offices, each of which has the responsibility to protect and advance the interests of the United States government through representation of our client agencies and protection of the United States Treasury from claims against it. The United States Attorneys' request includes no increase for this program.

United States Attorneys
Violent Crime Reduction Trust Fund

Justification of proposed changes in Appropriation Language

The 1998 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Violent Crime Reduction Programs, United States Attorneys

For Activities authorized by sections 4014, 13005, 190001(b), 190001(d) and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) as amended and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), [43,876,000] - Vio. remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which \$28,402,000 shall be available to help meet the increased demands for litigation and related activities, \$4,461,000 for Southwest Border Control, \$1,000,000 for Federal victim counselors, and \$9,633,000 for expeditious deportation of denied asylum applicants).

Explanation of Changes:

1. The first change increases the amount available for expenditure in FY 1998.
2. The second change deletes language that created funding for specific programs in prior years.

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Congressional Appropriation Action on 1997 Request Congress provided an increase of \$5,108,000 in funding from the YCRIF in order to meet increased demands for litigation associated with the Southwest Border and violence against women. The entire amount requested in the Congressional submission was not funded.

United States Attorney
Violent Crime Reduction Program
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:	1996 as Enacted			1996 Actual			1997 as Enacted			1998 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1997 as Enacted															
Mandatory Increases															
Anticipation of additional positions															
Nonrecurring Decreases															
1998 Base															
Program Increase															
1998 Request															
Expenses by Program															
Criminal Litigation	190	160	\$20,769	190	144	\$20,769	247	221	\$14,241	247	250	\$16,381	307	280	\$41,081
Civil Litigation	80	80	9,231	80	74	9,231	80	80	9,633	80	80	9,741	80	80	9,747
Total	270	240	\$30,000	270	218	\$30,000	327	301	\$23,874	327	330	\$26,122	387	360	\$50,828
Reimbursable Workyears															
Total Workyears	240			218			301			330			360		
Other Workyears															
Holiday															
Overtime															
AUS															
Other															
Total compensable workyears	240			218			301			330			360		

United States Attorneys
Violent Crime Reduction Program Fund
Program Performance Information
(Dollars in thousands)

ACTIVITY: CRIMINAL LITIGATION

	Perm. FOL	MY	Amount
Criminal Litigation			
1997 Appropriation Anticipated	247	221	\$34,243
1998 Base	247	250	36,381
1998 Estimate	207	280	41,081
Increase/Decrease	60	30	\$ 4,700

BASE PROGRAM DESCRIPTION: The United States Attorneys are responsible for the investigation and prosecution of a wide range of criminal activities. The United States Attorneys receive most of their criminal case referrals from federal investigative agencies or become aware of criminal activities in the course of investigating or prosecuting other cases. They are active in the federal, state, and local criminal justice systems and are involved in the operation of violent crime task forces and other violent crime initiatives. Services and counseling are provided to the victims of violent crimes.

ACTIVITY: CIVIL LITIGATION

	Perm. FOL	MY	Amount
Civil Litigation			
1997 Appropriation Anticipated	80	80	\$ 9,633
1998 Base	80	80	9,747
1998 Estimate	80	80	9,747
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: As the attorneys and counselors for the United States, the United States Attorneys do a substantial amount of work in civil litigation. Their workload in the civil field includes providing competent legal representation to aggressively pursue civil enforcement of federal laws and regulations, including immigration laws and regulations. One program of the President's Immigration Initiative is to make timely decisions to those immigrants requesting asylum in this country. This program supports litigation which arises from appeal of Immigration Judges decisions at the Federal Court level.

INITIATIVES

DISTRICT OF COLUMBIA, SUPERIOR COURT

	Perm FTE	MY	Amount
Criminal Decision Unit			
In-House Investigators	43	21	\$3,289
Victim and Witness Assistance	11	6	776
Operation Ceasefire	8	3	523
Total	62	30	\$4,700

In-House Investigators

The United States Attorneys request 43 investigator positions, 21 MY, and \$3,289,000 in support of the In-House Investigation Initiative of the United States Attorney's Office, Superior Court Division, District of Columbia to strengthen the investigations of violent criminals prior to trial, in order to produce convincing evidence.

The initial proposal to the Department to hire in-house investigators to assist the United States Attorney's office in its crime fighting efforts was submitted in February 1995, with the application for resources through the Attorney General's Anti-Violent Crime Task Force Fund. Subsequently, in June 1995, the United States Attorney was asked to testify before Congress about public safety issues confronting the District of Columbia.

Representative Fred Heineman (R-MC) was tasked by Speaker Gingrich with assessing the needs of the various law enforcement agencies charged with protecting the citizens of our community, and devising a plan geared towards assisting the agencies with their various missions. This resulted in Representative Heineman offering an amendment to H.R. 2546 (104th Congress) that contained funding proposals for various public safety initiatives, one of which was our proposal for in-house investigators for the United States Attorney's office. Unfortunately, that provision never passed, and we are in the same posture that we were one year ago.

The rationale behind assigning special investigators to our office is clear: the primary means of making the streets of Washington safer is to incarcerate, for lengthy periods of time, those individuals who commit violent crimes; the primary means of incarcerating violent criminals is to have strong evidence against them at time of trial; and the only way to have strong evidence against a violent criminal at time of trial is to have a high quality investigation conducted prior to trial to establish the latter point conclusively. Our present lack of resources for such investigations has resulted in the hiring of investigators, and conducted in the District of Columbia would be significantly improved by the hiring of special investigators assigned to the United States Attorney's office.

Here in Washington, once an arrest is made in a case, the burden of completing the investigation seems to shift to the prosecution. One may argue about the appropriateness of this shifting of responsibility, and we prosecutors have never been particularly comfortable with the arrangement, but the fact remains nonetheless. The only way prosecutors have been able to complete these investigations has been to make personnel plans with the Metropolitan Police Department (MPD) officers and detectives, calling them in to assist, what needs to be done in a case, and then asking them to go out on the streets and complete the required tasks.

This process of bridging the gap between probable cause, which is the level of proof which MPD needs to make an arrest, and proof beyond a reasonable doubt, which we must provide to obtain a guilty verdict in a criminal case, has its difficulties. First, because MPD officers and detectives do not work for the United States Attorney's Office, we can only ask them to take certain investigative steps; we cannot require them to do so. Thus, we have little recourse when the speed with which an investigative task is done, the manner in which it is done, or even the failure to do it at all, is unsatisfactory to us and decreases the chance that we will be able to successfully convict a violent criminal.

Second, the officers and detectives who are called in by prosecutors to complete the investigative process are very often working on overtime. This situation leads to large overtime expenditures by the MPD. For example, in the District of Columbia, by 1994, the MPD was spending over \$10 million each year on overtime. The vast majority of this court overtime expenditure was devoted to paying detectives to conduct follow-up investigations in homicide cases. Therefore, we can anticipate a substantial savings in the police overtime budget if special investigators are assigned to the United States Attorney's Office to conduct follow-up investigations in violent crime cases.

The concept of assigning investigators to a prosecutor's office is not unique. The Manhattan District Attorney's Office has more than 100 investigators; the State's Attorney's Office in Miami has more than 40 investigators, process servers, investigative accountants, and investigative supervisors; and the Middlesex County Prosecutor's Office in New Jersey has more than 90 investigators and investigative supervisors on its staff. These prosecutors' offices are directly comparable to the United States Attorney's Office for the District of Columbia because, unlike any other United States Attorney's Office in the nation, we are prohibited from hiring and employing investigators. We are also prohibited from conducting virtually all adult defendants who commit violent crimes under the District of Columbia Code. To handle these prosecutions effectively, we -- like other big-city prosecutors' offices -- need investigators employed directly by our Office.

To maximize the efficiency and effectiveness of these investigators, they need to be hired by, employed by, paid by and housed at the United States Attorney's Office. Under the provisions of local law, these investigators would instantly have broad -- but appropriate -- authority to conduct investigations on behalf of our Office. District of Columbia Code Section 23-109 states: "Any special investigator appointed by the Attorney General and assigned to the United States Attorney for the District [of Columbia] shall have authority to execute all lawful writs, process, and orders issued under authority of the United States, and command all necessary assistance to execute his duties, and shall have the same powers to make arrests as are possessed by members of the Metropolitan Police Department of the District of Columbia."

We estimate that in order for this new program to be effective, the United States Attorney's Office would need to hire at least 43 investigators. These investigators would be assigned to the following sections in our Superior Court Division: the Homicide Section, the Violent Crime Section, the 5D Community Prosecution Section, the General Felonies Section, the Sex Offense Unit, and the Domestic Violence Unit. In addition, one would be chosen to serve as the supervisory Chief Investigator.

The hiring of special investigators assigned to the United States Attorney's Office will provide a higher quality of investigation in violent crime cases in the District of Columbia and should result in a higher conviction rate. It should also allow the local police department to expend fewer resources on costly police overtime pay, making that money available within the department to meet other critical needs.

We will measure our success, if provided the resources, by the percentage of arrested violators who are convicted.

EXPANSION OF VICTIM AND WITNESS ASSISTANCE SERVICES

The United States Attorney's initiative seeks 11 positions, 6 WY, and \$776,000 to promote the participation of victims and witnesses throughout each stage of criminal justice proceedings.

The Victim-Witness Assistance Unit (VWAU) provides a myriad of services to victims and witnesses of crime, including crisis intervention, referrals for social and mental health services, information on the criminal justice system, assistance with employers and creditors, and court escort to victims of crime. Specialized and more intensive services are provided to crime victims who have experienced domestic violence, child sexual and physical abuse, and rape as well as survivors of homicide. In order to meet the level of need for assistance to victims, the VWAU is in the process of expanding its services to include:

- (1) publication of district-specific materials for victims and United States Attorney's office staff on different types of crime;
- (2) a model advocacy program for child victims;
- (3) a court school for children who have to testify;
- (4) a pro-active approach to risk assessment in domestic violence and stalking cases;
- (5) development and updating of a community resource directory;
- (6) assistance to victims with preparation of Victim Impact Statements and parole notification;
- (7) identification and assistance to children in domestic violence cases;
- (8) reaching out to non-English speaking and hearing-impaired populations; and
- (9) development of more flexible options for witness protection assistance.

The involvement of advocates is important in misdemeanor cases, since the USAS have active caseloads of approximately 2001 cases each and little or no time to contact and assist victims and witnesses. More serious felony cases may be fewer but also require more intensive assistance from advocates.

The 1990 Crime Control Act, the 1994 Violent Crime Control and Law Enforcement Act, and the Attorney General's Guidelines on Victim-Witness Assistance of 1995 contain very specific requirements on how victims and witnesses are to be treated with special emphasis on child victims and victims of sexual assault and domestic violence. In addition, the Violence Against Women Act of 1994 sets forth new federal responsibilities with regard to domestic violence, rape, and stalking cases.

There are a number of factors which impact the ability of the VWAU to meet the current and future needs of the office with regard to victims and witnesses.

The mission of the VWAU is severely hampered by the small number of advocates. Until recently, the VWAU had six victim-witness advocates. The unit added a Child Interview Specialist (CIS) in April 1996 and is in the process of hiring three domestic violence specialists. Despite these additions, the VWAU is still at a deficit with regard to staffing. The current ratio of advocates to attorneys in the office is 1 to 35. The national standard is one advocate to no more than six to eight prosecutors (American Prosecutor's Research Center, National District Attorney's Association, 1992; National Organization of Victim Assistance, 1989.) Experts have recommended a minimum of 20 victim-witness advocates for a prosecutor's office in a city with a population of 500,000 (Albert R. Roberts, HOLDING CRIME VICTIMS RESPONSIBLE, National Institute of Justice, 1990; Victim-Witness Assistance: A Guide for Prosecutors, Bureau of Justice Statistics, Department of Justice, 1994). Five percent of the USAO/DC personnel would be approximately 30 advocates. While many state and local agencies supplement their victim-witness assistance programs with volunteers, the United States Attorneys' office/VWU is unable to match these levels. In addition, the VWAU has one Witness Security Specialist, one Witness Security Assistant, and two witness service coordinators (one for District Court and one for Superior Court). The VWAU also has one victim-witness services assistant who acts as the receptionist for the unit, assists the coordinators with witness travel and lodging, reconciles travel accounts, prepares case dismissal and plea letters for Superior Court, handles time and attendance for the VWAU, and coordinates victim impact statement notices.

The existing caseload of each VWAU advocate is between 85 and 130 cases and consists primarily of homicide cases, domestic violence, child sexual and physical abuse, rape, robbery, kidnapping, and other violent crimes. Even in the most recent year, the number of victims and witnesses who have been traumatized and require intensive support services is increasing. The volume of violent crime victims in the United States Attorney's Office/DC cases precludes the provision of the services to all victims and witnesses.

New initiatives of the United States Attorney's office, such as the new Domestic Violence Unit and the Community Prosecution Section, will need a strong victim-witness component to succeed. The recent creation of the Domestic Violence Unit has resulted in an increased number of cases accepted for prosecution. It is vital that victim advocacy services are available to support domestic violence victims throughout the process. VWAU advocates handle initial interviews of domestic violence victims and so must cover intake of domestic violence cases six days a week and on holidays. It would be impossible to detail even one advocate to the Community Prosecution Project without diverting resources from other victims and witnesses.

In response to the growing number of child victims and witnesses and the recent development of a protocol for identifying child victim cases scattered throughout the Office and referring them to the VMAU, the Office is developing a child advocacy program to ensure that these vulnerable victims receive the intensive support and assistance they need to navigate the criminal justice system. The Crime Control Act of 1990, the Violent Crime Control and Law Enforcement Act of 1994, and the 1995 Attorney General's Guidelines on Victim-Witness Assistance contain very specific requirements on how victims and witnesses, particularly children, are to be treated. These provisions also require that our office participate in multi-disciplinary teams. The new domestic violence plan being implemented by Superior Court contains a requirement that children in domestic violence cases be identified at intake and provided with services. We estimate that approximately 65-70% of domestic violence cases in the Office involve children who are witnesses to or victims of the violence.

Currently, this Office does not have the ability to provide consistent notification services for victims and witnesses. Primarily because it lacks the staff to handle this task. Surveys of victims and witnesses have identified the need for a program to provide consistent notification services to victims of the status of and significant events related to their case (National Victims Center, 1991). This Office has made a commitment to notifying victims and survivors of their right under the law to present a victim impact statement at the time of sentencing (Section 23-103a of the D.C. Criminal Code) and to assist them with developing their statements, but current staffing levels makes it difficult to fulfill this commitment. Working with a victim to obtain a good statement requires between two and six hours of work. Many victims have language or literacy issues that are a barrier to writing statements, and VMAU staff must type or translate for them. The potential number of victims eligible for assistance with the development of Victim Impact Statements may be as high as 8,000 to 9,000. Simply managing the flow of Victim Impact Statements has become a full-time job.

The USAO and the Superior Court Probation Department worked out new procedures to ensure that victims of crimes have the best opportunity to provide a written victim impact statement at the time of sentencing. This primary responsibility is currently being handled by the USAO/VMAU. The USAO/VMAU has significantly increased the workload of the person currently handling this task. If the USAO/VMAU could significantly increase the workload of the person currently handling this task, this would be a full-time job. The District of Columbia has a new crime victim compensation program. A second victim services assistant would enable the VMAU to help victims prepare and follow up on compensation claims as well as assistance with parole notification registration and property return.

The prosecution efforts of this Office are often hampered by the problem of intimidation of and retaliation towards witnesses. VMAU staff researched and developed a detailed proposal in response to the long-recognized need of the Office to have a more flexible option to provide assistance to threatened witnesses who do not want or require either the Witness Security or the Superior Court Informant Program run by the U.S. Marshall Service. EOUSA, with the assistance of the USAO/DC, designed and received funding from Congress for the Emergency Witness Assistance Program (EWAP). This proposal is modeled after successful programs run out of several large district attorney offices around the country and will operate initially as a pilot program. This program will not only protect witnesses and their families but would provide limited assistance for emergency shelter and to help witnesses relocate themselves.

The cases handled by the United States Attorney's Office/DC consist of a wide variety of ethnic and other victim populations. We have a number of Asian-Pacific American and other immigrant victims and witnesses, elderly victims, and hearing-impaired victims. The presence of Gallaudet University and its associated primary and secondary schools ensures that this Office works with many hearing impaired children and young adults. Finding translators who are fluent in American sign language, in a timely fashion, is often difficult. Expertise in working with these special victim populations does not currently exist within this Office.

Based on these factors, there is a need for glaven new VMAU staff to be used as follows:

Two additional domestic violence specialists: The creation of both the USMO Domestic Violence unit and the integrated domestic violence intake center at Superior Court has resulted in an increased number of incoming cases and responsibilities for the USMO victim advocates. The three new VMAU-funded advocates will take over the intake and handling of all family violence cases. It has already become clear that this unit has been overwhelmed. It is estimated that the unit has handled more than 1,000 cases. The advocates will be more than 6,000 in the first year that is 2,000+ cases per year per advocate. The new domestic violence services program calls for early identification of and intervention with children of battered women. One of the current senior advocates has been selected to oversee the domestic violence advocacy program, which includes training new staff, developing and supervising an intern program using local social work and psychology students, and representing the USAO on a variety of task forces and committees related to domestic violence. At least two (2) additional advocate specialists are needed to effectively meet the needs of domestic violence victims and their children.

One advocate to work with the Community Prosecution Section: The advocate would spend a considerable time on-site in the 5th District assisting victims and prosecutors with both victim services and quality-of-life issues. The advocate would network not only with local community groups in the 5th District but with victim service providers throughout the Washington, D.C., area.

Three child victim specialists: The CIS conducts or assists with interviewing child victims and witnesses, conducts psycho-social assessments of child victims, and provides consultation to Assistant United States Attorneys and assistance in preparing children to testify in court. The services of the CIS are not limited to USMO cases but are also offered to law enforcement officers in the investigative stage of child cases as well as to the other local agencies involved in the Children's Advocacy Center multi-disciplinary team. Experts recommend that interview specialists limit the number of interviews to no more than six-to-eight per week. The USMO has found the services of the CIS to be invaluable not only in child sexual abuse cases but also in physical abuse cases and in cases where children have witnessed homicide or other severe violence. Child victim cases are time and resource intensive. In order to implement the new office-wide child protocol, operate the Court School Program for child witnesses, and ensure that child victims and witnesses receive the specialized services they need, the VMAU needs three additional child victim specialists, including a second interview specialist. It would also enable the CIS to provide training and technical assistance to other USMOs and federal law enforcement agents on interviewing child victims and witnesses.

Two victim services assistants: The USNO and the Superior Court Probation Department worked out new procedures to ensure that victims of crime have the best opportunity to provide a written victim impact statement (VIS) at the time of sentencing. The primary responsibility for the new system lies with the USNO/VMAU and has significantly increased the workload of the person currently handling this task. As the USNO has come into full compliance with the new system, handling VIS notification and coordination has become a full-time job. The District of Columbia has a new crime victims compensation program. A second victim services assistant would enable the VMAU to help crime victims prepare and follow up on compensation claims, assist with parole notification registration and property return, and update the community resource directory.

Two adult sexual assault victim specialists: The Violence Against Women Act of 1994, as implemented in the District of Columbia, has focused almost exclusively on victims of battering. Adult sexual assault victims face some difficult and specific challenges in the criminal justice system and in the healing process. It would be a great advantage to both the victims and the prosecutors handling these cases to have specialists with whom they could work on a consistent basis. These specialists would also develop and maintain close liaison with the local Rape Crisis Center and provide or coordinate court accompaniment for sexual assault victims. The USNO would make an effort to ensure that one of these positions is filled by someone trained in American Sign Language.

One federal victim specialist: The USNO/VMAU has a victim-witness coordinator who handles requests for translators, travel and lodging for out-of-town witnesses, and other logistical or notification services. However, the coordinator does not have the training and specialized experience to provide counseling and advocacy services for victims. The District of Columbia would like to have a federal victim specialist who could be called upon as often as needed in our District Court Districts to fulfill a "victim need." It is anticipated that the person selected for this position would have the experience and language capacity to work with Asian Pacific Islanders.

Hiring Domestic Violence Advocates will finally enable us to adequately service the vast numbers of domestic violence victims we see each year. It will also free up our existing advocates to focus on areas that are more appropriate to their skills and training and are also in desperate need of attention.

The central concept of community prosecution involves a holistic approach to community safety. Trying to do community prosecution without providing increased services to victims and witnesses ensures only limited success. The development of community-based victim advocacy and services program as part of the Community Prosecution Project would provide invaluable assistance in addressing the aftermath of crime in the community as well as quality-of-life issues.

The addition of a significant number of advocates to our staff should result in a higher conviction rate. Recent studies by the National Institute of Justice (National Assessment Program, 1994 Survey Results), American Prosecutors Research Institute (Prosecutor's Perspective, 1993), the University of Texas, and the Crime Victims Research Center-Medical School of the University of South Carolina indicate that the involvement of victim advocates in cases increased the percentage of guilty verdicts after trials. This was particularly true for cases prosecutors described as the most difficult and time-intensive, such as child abuse, rape, and domestic violence. In one major study the conviction rate for child sexual abuse

cases almost doubled, from 38 percent to 74 percent after the implementation of child victim advocacy programs. The proportion of offenders receiving a prison sentence almost doubled, from 25 percent to 48 percent. "An Analysis of the Prosecutorial Effects of a Child Sexual Abuse Victim-Witness Program," Debra Dible and Raymond H. Teske, Jr., *Journal of Criminal Justice*, Vol. 21, 1993, pp. 79-85.)

This Office would be able to make significant progress toward providing timely and effective notification to victims and witnesses regarding the status of their cases. Providing adequate and timely notice would assist both witnesses and AUSA's, reduce victim frustration with the criminal justice system, both of which may result in an improved case outcome.

Assistant United States Attorneys and Advocates have seen firsthand and heard from judges how effective a good victim impact statement can be. It is even more important since the District of Columbia Board of Parole has indicated their desire to have the original victim impact statements to review at the time of parole hearings and revocations.

The ability to hire advocates to work with certain special populations prevalent in the District of Columbia area would greatly enhance the ability of this Office to meet the needs of a greater proportion of District of Columbia citizens and visitors and help ensure the cooperation of victims and witnesses who may be reluctant to participate in the criminal justice system for cultural or other reasons.

We will measure the success in this program, if provided the resources, by timely notification to victims and witnesses of rights, participation in hearings, assistance to threatened victims and witnesses, and ensuring the cooperation of reluctant victims and witnesses.

OPERATION CEASEFIRE (Brady Bill)

The United States Attorneys request 6 positions (3 attorneys), 3 Ws, and \$635,000 to reduce Violent Crime in the District of Columbia through prosecution in Superior Court, and U.S. District Court where appropriate, and, to decrease the numbers of firearms available for use in acts of violence.

On March 10, 1995, a comprehensive law enforcement initiative entitled Operation Ceasefire was jointly announced by the United States Attorney's, the Metropolitan Police Department (MPD), and the Bureau of Alcohol, Tobacco and Firearms. The paramount objective of this initiative is to significantly reduce the occurrence of gun-related violence within the District of Columbia. The Ceasefire partners have joined forces to take the following steps:

- Decrease the number of illegal firearms on the streets of the District of Columbia by increasing efforts at interdiction and the seizure;
- Increase the penalties for firearms related offenses;
- Improve the intelligence base for law enforcement by requiring a debriefing as a condition precedent to plea negotiations; and,

- Educate young people about the dangers associated with firearms through outreach programs in schools and other organizations.

Since the inception of Operation Ceasefire, firearm seizures have increased to record levels and legislative initiatives have increased in the statutory penalty for pistol possession from a misdemeanor to a felony charge. However, due to limited staff at the United States Attorney's Office, Operation Ceasefire has fallen short of meeting its goals in the area of education. In the future, we expect to create an Intelligence Bank and educating young people about the destructive power of firearms.

Additional resources -- three attorneys, two paralegals, and one support staff -- should be devoted to Operation Ceasefire in order to properly prepare and conduct effective debriefings and disseminate information to other branches of law enforcement. Additional resources will also be used for intelligence gathering, proactive investigations and community involvement.

Additional AUSA assigned to Operation Ceasefire and a minimal support staff will be capable of effecting a significant reduction in violent crime. A successful interview and, in many cases, proactive cooperation with law enforcement will be a condition precedent to the extension of a plea offer in every gun case. Newly discovered witnesses to violent crime and the additional intelligence gathered through these interviews will then be disseminated to the appropriate law enforcement agency and to AUSA's. Moreover, this office will take these active role in the investigation of the proliferation of firearms in the District of Columbia.

Commitment of additional AUSAs and support staff to this initiative will have the net effect of increasing the efficiency of AUSAs in trial preparation and strengthening the evidence in their cases. Stronger cases will increase the number of pretrial dispositions, maximize the number of convictions and ultimately reduce caseloads, while making our streets safer.

United States Attorneys
Violent Crime Reduction Programs
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Criminal Pos	Amount
Grades		
GS-13	11	\$582
GS-11	45	1,670
GS-8	1	28
Ungraded	3	259
Total positions and annual rate	60	\$2,539
Lapse (-)	(30)	(1,269)
Other personnel compensation		413
Total workyears and personnel		
Compensation	30	\$1,683
Personnel benefits		188
Travel and transportation of persons		243
Transportation of things		8
GSA rent		360
Rental payments to others		12
Comm., utilities, and misc charges		202
Printing		48
Other services		822
Supplies and materials		72
Equipment		842
Total program workyears and obligations	30	\$4,700
changes req. est. 4, 1998		

United States Attorneys
Violent Crime Reduction Program
1998 Priority Ranking

BASE PROGRAM		PROGRAM INCREASES	
Program	Ranking	Program	Ranking
Criminal Litigation	1	DC Superior Court	1
Civil Litigation	2		

United States Attorney
Violent Crime Reduction Programs
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996 Authorized	1997 Authorized	1998 Program Changes	Request
Attorneys (905)	155	193	3	196
Paralegal Specialist (950)	13	13	2	15
Legal Clerk and Technicians (866)	97	116	1	117
Criminal Investigative Series (1811)			43	43
Social Sciences, Economics and kindred (110-199)	5	5	11	16
Sub Total	270	327	60	387
Washington				
U.S. Field 1/	270	327	60	387
Foreign Field				
Total	270	327	60	387

1/ Includes positions for field offices in the Washington, D.C. Standard Metropolitan Statistical Area in each year

United States Attorneys
Violent Crime Reduction Programs
Summary of Attorneys and Support Positions
FY 1997 - 1998

Appropriated Positions Division Unit	1997 Appropriation Enacted					1998 Program Changes					1998 Request Level				
	Pos.	FTE	Pos.	FTE	Total	Pos.	FTE	Pos.	FTE	Total	Pos.	FTE	Pos.	FTE	Total
Criminal Litigation	153	134	94	87	247	221	221	3	21	57	38	59	156	155	125
Civil Litigation	40	40	40	40	80	80	80	40	40	40	40	40	40	40	80
Total	193	174	134	127	327	301	301	43	61	97	78	99	196	195	165

United States Attorney's
Violent Crime Reduction Program
Salaries and Expenses
Summary of Change
(in dollars in thousands)

	Term Fisc. Yr.	WY 101	Amount \$41,876
Adjustment to Base:			
1997 Appropriation Enclosed	127	101	\$41,876
Mandatory increases			
1998 Pay Raise			365
Annualization of 1997 Pay Raise			151
Annualization of 52 additional positions approved in 1997	29	29	2,565
Total, mandatory increases	29	29	\$1,081
Decreases			
Nonrecurring decreases for positions received in 1997 budget			(829)
1998 Hire	127	120	\$46,128
Program increases			
Infrastructure (District of Columbia)	60	30	4,700
1998 Request	187	160	\$50,828

United States Attorneys
Violent Crime Reduction Programs
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1998 pay raise			365
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the 1998 President's budget request. This increase includes locality pay adjustments as well as the general pay pay adjustments as well as the general pay raise. The amount requested \$365,000 represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$299,000 for pay and \$66,000 for benefits)			
Annualization of 1997 pay raise			151
This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent. The increase includes locality pay adjustments as well as the general pay raise. The amount requested \$151,000, represents the pay amounts for three quarters of the year (\$124,000 for compensation and \$27,000 for benefits)			
Annualization of 52 additional positions approved in 1997		29	2,565
This provides for the annualization of 52 additional positions provided in the 1997 enacted budget for the Southwest Border initiative.			
Approved 1997 Annualization			
Annual salary rate of 57 approved positions			Increases
Other compensation			Required
Less lapse			1,949
Net Compensation			27
Associated employee benefits			63
Other (non-personnel)			(1,928)
Travel			1,991
Transportation of things			667
GSA rent			327
Rental Payments to others			22
Communication & Utilities			342
Printing/Reproduction			31
Other Services			192
Supplies/Materials			45
Equipment			773
Total costs subject to annualization			68
			650
			5,108
Total, mandatory increases		29	2,565
Decreases			
Non-recurring cost associated with the Southwest Border & violence against women initiatives			3,081
Total, Adjustments to base		29	(829)
		29	2,252

United States Attorney's
Violent Crime Reduction Programs
Summary of Requirements by Grade and Age/Class
(Dollars in thousands)

Grades and Salary Ranges	1996 Filled Pos. & Wys	1997 Request Pos. & Wys	1998 Estimate Pos. & Wys	Increase/Decrease Pos. & Wys	Amount
ES-6, \$121,100					
ES-5, \$119,400					
ES-4, \$117,900					
GS-15, \$75,095.98-714					
GS-14, \$64,555.83-622					
GS-13, \$54,626.71-617					
GS-12, \$45,016.58-725					
GS-11, \$38,330.49-831					
GS-10, \$34,887.45-136					
GS-9, \$31,640.41-185					
GS-8, \$26,481.37-289					
GS-7, \$23,897.33-667					
GS-6, \$23,303.30-294					
GS-5, \$20,908.27-183					
GS-4, \$18,687.24-298					
GS-3, \$16,647.21-641					
GS-2, \$15,256.19-203					
Ungraded positions					
1998 Pay Rate	155	191	196	3	\$365
1997 Pay Rate					396
Total, appropriated positions	270	127	387	60	\$1,025
Pay above stated annual rates					95
Lapses	(52)	(26)	(62)	(36)	(2,447)
Savings due to lower pay scales for part of year					(63)
Net, full-time permanent	218	301	325	24	\$610
Other than permanent					244
Part-time permanent					32
Temporary employment					
Other personnel compensation					
Overtime	134	185	620	435	
Law Enforcement Availability Pay					
Other compensation					
Special personal services payments					
Total, Workyears & personnel compensation	218	301	325	24	\$1,082
Average Ungraded					\$87,498
Average GS Salary					31,343
Average GS Grade					8.52

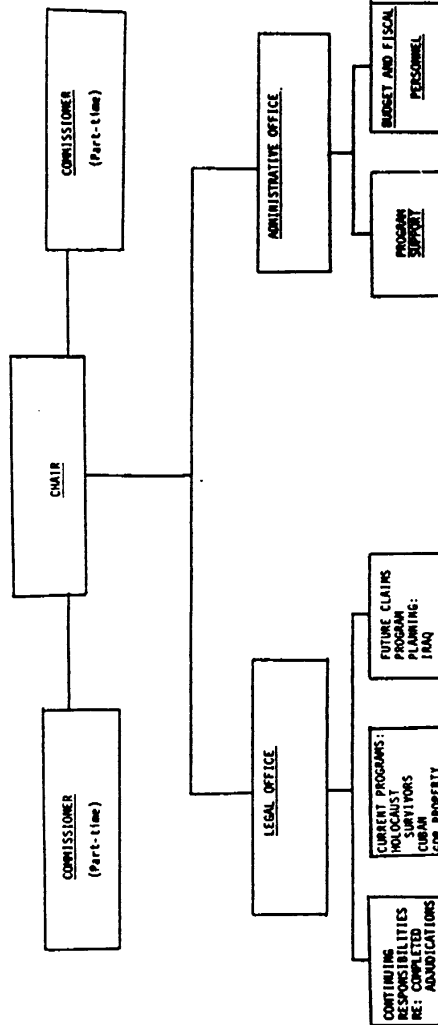
United States Attorneys
Violent Crime Reduction Programs
Summary of Requirements by Object and Object Class
(Dollars in thousands)

Object Class	1998 Actual		1997 Request		1998 Estimate		Increase/Decrease	
	WYs	Amount	WYs	Amount	WYs	Amount	WYs	Amount
11.1 Total workyears & personnel compensation	718	\$14,341	301	\$23,727	360	\$24,317	59	\$610
11.3 Other than full-time personnel				212		244		12
11.5 Other personnel compensation		114		185		620		433
11.8 Special personnel services payments		161		201		206		5
Total	218	\$14,616	301	\$24,125	360	\$25,407	59	\$1,092
Other Object Classes:								
12.0 Personnel benefits		4,387		6,312		7,382		1,070
13.0 Benefits to former personnel		1,471		1,799		2,064		265
21.0 Travel and transportation of persons		97		132		140		8
22.0 Transportation of things		2,175		4,701		5,061		360
23.1 (USA rent)		218		107		339		32
23.2 Rental payments to others		1,454		1,869		2,071		202
23.3 Comm., util., & other misc. charges		207		267		315		48
24.0 Printing and reproduction		3,814		5,097		5,691		594
25.2 Other services		1		9		9		
25.3 Purchase of goods & serv from Gov't accounts		363		560		632		72
26.0 Supplies and materials		1,255		1,498		1,777		279
31.0 Equipment		\$10,000		\$46,876		\$50,828		\$3,952
Total obligations								
Unobligated balance, start of year		1,989		(2,515)		(1,990)		
Unobligated balance, end of year		2,515		1,990		1,990		
Total requirements		\$14,524		\$46,331		\$50,828		
Rebates of Obligations to Outlays								
Total obligations		30,000		46,876		50,828		
Obligated balance, start of year				879		6,277		
Obligated balance, end of year		(879)		(6,277)		(7,862)		
Outlays		\$29,121		\$41,478		\$46,243		

DEPARTMENT OF JUSTICE
Expenditure Claims Settlement Commission
Estimates for Fiscal Year 1991
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FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE
UNITED STATES



Olivia A. Rios
OLIVIA A. RIOS, CLU

Foreign Claims Settlement Commission
Activities and Expenses
Summary Statement
Fiscal Year 1998

The Foreign Claims Settlement Commission is requesting a total of 31 permanent positions, 31 workyears, and \$1,326,000 for 1998. This request represents a net increase of 3 positions, 2 workyears and \$273,000 from the 1997 appropriation.

The Commission consists of a Chair and two part-time Commissioners, who are appointed by the President with the advice and consent of the Senate. The part-time Commissioners receive compensation at the Executive Level V rate of pay for performance of official business of the Commission at the direction of the Chair.

The principal mission of the Commission is to adjudicate claims of U.S. nationals against foreign governments, under jurisdiction conferred by the International Claims Settlement Act of 1949, as amended, and other authorizing legislation. To date, the Commission has compiled and evaluated such claims against 17 countries: Yugoslavia, Panama, Bulgaria, Romania, Italy, the Soviet Union, Czechoslovakia, Poland, Cuba, China, the German Democratic Republic (East Germany), Vietnam, Ethiopia, Egypt, Iran, and Albania.

The operating expenses of the Commission ultimately are borne only partially, if at all, by the taxpayer. In virtually all instances, the legislation authorizing the adjudication of claims has provided for deduction of a percentage of the funds obtained from foreign governments for payment of the claims due to the credit of the United States. In the United States, it is necessary to delay the adjudication of claims until the claims have been paid by the foreign government. In 1950, the Commission received the first claim, which amounted to approximately \$10 million, but during that same period the amounts paid into the United States Treasury as a result of claims programs have been in excess of \$22 million.

In 1998 the Commission will be required to assist the Department of State in negotiating a lump-sum settlement of the 250+ claims by U.S. nationals against Germany for internment in Nazi camps during World War II, previously adjudicated by the Commission in 1997 under Public Law 104-19 and the U.S.-German claims settlement agreement of September 13, 1993. In addition, the Commission will continue to receive and evaluate claims against the former German Democratic Republic (East Germany). The Commission also will be required to research and respond to requests for information concerning properties appropriated by the Castro regime in Cuba, in support of the Iemurite authorized by the new Helms-Burton Act, and to serve as Special Master for the federal courts (to make determinations on ownership and valuation of properties in Cuba, for use in lawsuits), as provided by the Helms-Burton Act. (The Congressional Budget Office initially estimated that 15,000 to 20,000 such cases could be filed, more recently, the State Department has projected the number of lawsuits at 75,000 to 200,000.) Finally, the Commission is registering claims and engaged in other preliminary planning for a major program involving thousands of claims against Iraq, and the Commission provides continuing technical assistance to the Department of State conducting ongoing government-to-government claims negotiations, as requested by the Department.

Under the War Claims Act of 1948, as amended, the Commission will continue to have authority to award compensation to American military prisoners of war held in Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment while in captivity.

The Commission will continue to furnish information contained in the records pertaining to the 43 completed international and war-related claims programs administered by the Commission. The Commission will continue to provide advice on policy determinations, preliminary planning, evaluation of pending claims legislation, and liaison with Congressional committees considering legislation intended to provide for adjudication of additional types or classes of claims.

Foreign Claims Settlement Commission
Salaries and expenses
Justification of Proposed Changes in Appropriation Language

The 1938 budget estimates include changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Foreign Claims Settlement Commission
 For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by § 5 U.S.C. 3109, [§§31,000] _____ \$1,216,888

23 U.S.C. 1621-1643; 50 U.S.C. App. 2801-2817; P.L. 104-33, P.L. 104-114; Dept. of Justice Appropriations Act, 1997.

Explanation of changes:

No substantive changes proposed.

Foreign Claims Settlement Commission
Salaries and expenses
Consolidated 1937 Changes
 (Dollars in thousands)

	1937 President's		Congressional		1937	
	Budget	Amount	Appropriation	Amount	Appropriation	Amount
Budget Activity/Program	Pos.	Nt.	Pos.	Nt.	Pos.	Nt.
1. Adjudication of International Claims.....	3	3	5278	225	3	2353

Congressional Action on 1937 Request.

Congress provided \$75,000 above the 1937 President's budget request to support a new Holocaust Claims Program, authorized by the January 26, 1948 enactment of Public Law 104-93 (the Balanced Budget Compromise Act of 1948). The program was designed to enable the Commission to adjudicate the claims of U.S. citizens against Germany for persecution by confinement in concentration camps and under comparable conditions before and during World War II.

	Perms. Funds	Worth- while	Amount
Adjustments to base:			
1977 as enacted	9	9	953
Mandatory Increase (automatic nonpolicy)			22
1998 base	9	9	980
Program Changes (see Program Narrative for Details)			246
1999 estimate	11	11	1,226

Estimate by Budget activity	1994			1995			1997			1998 Estimate			Increase/Decrease					
	Enacted		Actual	Enacted		Actual	Enacted		Actual	Enacted		Actual	Enacted		Actual			
	Perm.	Est.		Perm.	Est.		Perm.	Est.		Perm.	Est.		Perm.	Est.				
	Fiscal Year	1994	1995	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008			
Adjudication of Inter- national claims.....	9	9	\$829	9	6	\$770	9	9	\$953	9	9	\$980	11	11	\$1,226	2	2	\$266

Korean Claims Settlement Commission
Salvage and Assistance
Program Performance Information
Government Performance and Results Act Requirements

Mission:

To protect the rights of U.S. citizens abroad and promote the international rule of law through adjudication of claims by United States nationals against foreign governments.

Organizational Goals:

- . To assist the Department of State in negotiations for the settlement of claims against foreign governments, including, in particular,
 - claims of U.S. survivors of the Holocaust against the Federal Republic of Germany, for internment in Nazi concentration camps;
 - claims of U.S. nationals against the Federal Republic of Germany for property expropriated during the Communist era in the German Democratic Republic (East Germany); and
 - claims against Russia and the other original constituent republics of the former Soviet Union, which were adjudicated under Public Law 105, 86th Congress.
- . To research and respond to requests for information concerning decisions in the Commission's Cuban Claims Program (conducted from 1961 to 1964) and requests for review of past court awards to be filed under Title III, section 102 of the new Helms-Burton Act.
- . To serve as Special Master at the request of the federal courts in Cuba, for use in federal court lawsuits to be brought by Cuban-Americans beginning in March 1991, as authorized by Title III, section 102 of the new Helms-Burton Act.
- . To award compensation to American POWs held in Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment while in captivity.
- . To conduct preliminary planning for pending new programs, including continued registration and planning for adjudication of the hundreds of claims in outstanding claims against the Government of Iraq.
- . To advise other departments and private attorneys on pending claims against the Government of Iraq.
- . To advise on policy determinations relating to the settlement of international claims.
- . To assist the Department of the Treasury in making distribution on past awards certified by the Commission.
- . To provide executive departments and private attorneys with legal precedents issued by the Commission.
- . To provide general information concerning past programs and to respond to requests about specific decisions the Commission has made on past claims.

Main Program Description:

In addition to its principal function of adjudicating United States nationals' claims against foreign governments, the Commission provides continuing informational services to claimants (and, where applicable, their legal successors) with regard to the 41 completed international and war claims programs it has conducted. It also provides advice on policy determinations, preliminary planning, and evaluation of proposed legislation intended to authorize adjudication of claims of new categories of claimants, and liaison with Congressional committees considering such legislation.

**Foreign Claims Settlement Commission
Balances and Expenses
Fiscal Year 1998
(Dollars in thousands)**

Program Changes	Amount
Hiring of two additional attorneys	\$115
<p>The Commission is requesting resources to fund costs associated with hiring two additional attorneys needed to support the Commission's growing caseload and responsibilities in claims programs including the Holocaust Survivors Claims Program, and the ODA Property Claims Program, as well as planning for an Iraq Claims Program, and support for implementation of the new Helms-Burton law. These funds will be expended in object classes 11.0, Personnel Compensation, and 11.1, Personnel Benefits.</p>	
Relocation of Commission Offices	131
<p>The Commission is requesting a program increase of \$115,000 to cover the costs of relocating the offices of the Commission during the first part of FY 98. Relocation is necessary to enable the Commission to serve the public more effectively and to work more closely with other government agencies with international missions. These funds will be expended in object classes 21.1, Rental Payments to GSA, and 21.6, Other Services.</p>	
TOTAL PROGRAM CHANGES	\$246

Foreign Claims Settlement Commission
 Estimated Expenses
Financial Analysis - Program Charges
 (Dollars in thousands)

Item	Pos.	Total Amount
Pay for two additional G-12 attorneys.....	2	\$92
Benefit for two additional attorneys.....	..	23
Cost to relocate offices.....	..	21
Increased rental payments to GSA.....	..	110
Total program charges.....	2	\$246

Postwar Claim Settlement Commission
 MINISTRY OF JUSTICE
 AND RELATED AGENCIES

1945-1949		1950-1954	
Process	Ranking	Process	Ranking
Adjudication of International Claims	1	Hiring of two attorneys	1
		Relocation of Commission Offices	2

Foreign Claims Settlement Commission
 Salaries and Expenses
 Detail of Personnel Positions by Category
 Fiscal Years 1996 - 1998

Category	1996	1997	1998
Commissioners.....			
Attorney General.....	2	2	2
Attorney General's Office.....	2	2	2
Commissioners' Office.....	4	4	4
Clasical and Office Services (300-399).....			
Total.....	9	9	11
Washington.....	2	2	11
Total.....	2	2	11

Foreign Claims Settlement Commission
Salaries and Expenses
Summary of Attorney and Support Positions/Positions
Fiscal Years 1977-1978

APPROPRIATED POSITIONS	1977 Anticipation Anticipated			1978 Anticipation			1978 Request Level		
	Attorneys	Support	Total	Attorneys	Support	Total	Attorneys	Support	Total
Decision Unit	Pos. FTE	Pos. FTE	Pos. FTE	Pos. FTE	Pos. FTE	Pos. FTE	Pos. FTE	Pos. FTE	Pos. FTE
Adjudication of International Claims	2	2	4	2	2	4	4	4	8
Total	2	2	4	2	2	4	4	4	8

**Foreign Claims Settlement Commission
Relatives and Associates
Justification of Adjustments to Base
(Dollars in thousands)**

Amount

Mandatory Increases:		
1. 1988 pay raise	This request provides for the proposed 2.9 percent pay raise to be effective in January of 1988 and is consistent with Administration policy included in the 1988 President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$14,000, represents the amount requested for the first quarter of the fiscal year plus appropriate benefits (\$14,000 for pay and \$4,000 for benefits = \$18,000).	118
2. Annualization of 1987 pay raise	This pay annualization represents first quarter amounts (October through December) of the 1987 pay increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$4,000, represents the pay amounts for three quarters of the year (\$3,000 for compensation and \$1,000 for benefits).	4
3. Within-grade increases	This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$4,000 for pay and \$1,000 for benefits.	5
Total, mandatory increases		27

Forsyth Claims Settlement Commission
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1986 Actual		1987 Estimate		1988 Estimate		Increase/Decrease	
	Positions	Workyears	Positions	Workyears	Positions	Workyears	Positions	Workyears
Executive Level V, \$100,200.....	2	2	2	2	2	2	...	...
GS-15, \$115,935-98,714.....	2	2	2	2	2	2	...	...
GS-13, \$86,629-71,017.....	2	2	2	2	2	2	...	...
GS-12, \$65,939-49,728.....	...	...	...	...	...	...	...	...
GS-11, \$19,336-49,831.....	3	3	3	12	3	3	...	...
1986 Pay raise.....	...	...	...	...	...	...	...	...
1988 Pay raise.....	...	...	...	...	...	...	...	...
Total, appropriated positions.....	9	979	9	589	11	707	2	118
Pay above stated annual rates.....	...	2	...	2	...	2	...	...
Lapses.....	4	-226	2	-78	2	-80	...	...
Services due to lower pay scales for part of year.....	...	-3	...	-2	...	-5	...	...
Net full-time permanent.....	5	352	7	511	9	624	2	113
Other than permanent:								
Part-time permanent employment.....	1	47	2	78	2	78	...	...
Other personnel compensation.....	...	...	...	...	...	...	...	...
Total, workyears and personnel compensation.....	6	319	9	589	11	702	2	111
Average of salary.....	...	\$67,857	...	\$53,286	...	\$64,556	...	...
Average of grade.....	...	12.71	...	12.71	...	12.76	...	...

*Includes workyears associated with two Executive Level V Part-time Commissioners and one other part-time employee.

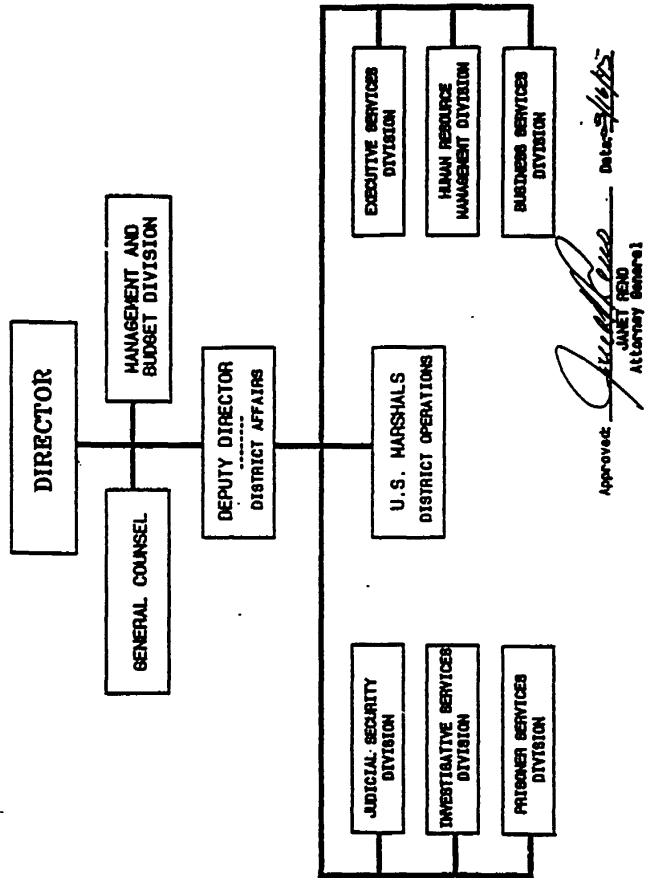
Foreign Claims Settlement Commission
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

OBJECT CLASS	1936 Actual Monthly Amount	1937 Estimate Monthly Amount	1938 Estimate Monthly Amount	Increase/Decrease Monthly Amount
11 Personnel compensation:				
11.1 Full-time permanent:	5	\$352	9	\$424
11.2 Other than permanent:	1	47	2	76
11.3 Other personnel compensation:	6	399	9	589
Total:			11	762
OTHER OBJECT CLASSES:				
12 Personnel benefits:	68	106	137	29
13 Benefits to former personnel:	...	...	10	...
14 Travel and transportation of persons:	16	12	12	...
15 Other:	4	...	...	...
16 Rental payments to GAN:	163	165	275	110
21.1 Communications, utilities, and miscellaneous charges:	25	19	19	...
21.2 Printing and reproduction:	12	5	5	...
21.3 Other services:	59	31	52	21
22 Supplies and materials:	40	6	6	...
23 Equipment:	1	6	6	...
Total requirements:	7	770	9	953
			11	1,226
Relation of Obligations to Outlays:				
Obligated balance, start-of-year:	71	165	92	
Change in obligated balance:	-149	99	-121	
Adjustments in applied accounts:				
Outlays:	628	1,008	1,137	

Department of Justice
United States Marshal's Service
Estimate for Fiscal Year 1991
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UNITED STATES MARSHALS SERVICE



**United States Marshals Service
Salaries and Expenses
Summary Statement
Fiscal Year 1998**

For 1998, the United States Marshals Service (USMS) requests a total of 4,106 permanent positions, 3,916 workyears and \$475,244,000. This request represents a net decrease of 18 positions and a net increase of 9 workyears and \$17,743,000 over the 1997 enacted appropriation, and a net increase of 108 positions, 89 workyears and \$19,603,000 over the 1998 base. The net change is due to a transfer of 126 positions, 126 workyears and \$14,203,000 from direct to the Violent Crime Reduction Programs appropriation.

The USMS is facing the most challenging time in its history. The workload has been changing dramatically due to the cases being prosecuted in the federal courts today. The cases are not only complex, involving multiple defendants and more dangerous criminals. The Wild Trade Center bombing trial is an example of the type of case that is becoming more common in the federal courts. The Marshals Service is deeply involved in the Oklahoma City bombing trial, both in the protection of the judicial family in Denver while at the same time protecting the defendants and their rights. As the prosecution of illegal aliens increases through such efforts as Operation Gatekeeper in the Southwest border states, the USMS is facing critical detention space shortages in the Southern District of California and District of Arizona.

The most significant portion of the request is for 53 positions, 41 workyears and \$10,759,000, to provide the personnel and equipment necessary to ensure that new and renovated federal courthouses can open on schedule. The Marshals Service's primary mission is to protect the federal judiciary and court proceedings. The USMS is dependent upon the timely coordination and implementation of the established safety and security requirements for the construction of detention, prisoner movement and related high security areas.

The USMS is mandated to perform a broad scope of law enforcement missions in support of the activities of both the Executive and Judicial branches of the government. As provided in the Marshals Service Act of 1988, "It is the primary role and mission of the U.S. Marshals Service to provide for the security and to obey, execute, and enforce all orders of the United States District Courts, the United States Courts of Appeals and the Court of International Trade." The Service's workload demands are levied by the federal courts, other Department of Justice components, and other federal law enforcement agencies.

This submission is designed to assure a balance between program and fiscal requirements. The requested program increases are necessary to fulfill ongoing, essential requirements. Program requests are firmly rooted in legislative or regulatory mandates that must be observed. Increases are necessary for the operational mission and to achieve the economies of scale necessary to reduce overall expenses. The tools that deputies use -- guns, radios and vehicles -- must be properly maintained, and the deputies must continue to meet established standards in order to continue to use them. Failure to do so could jeopardize judicial security and result in significant loss of life.

**United States Marshals Service
Salaries and Expenses**
Justification of Proposed Changes in Appropriation Language

The 1997 budget estimates include changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses, United States Marshals Service

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, [\$457,495,000] ▲ at \$475,244,000 authorized by 28 U.S.C. 561(f); of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, [and] ▲ \$2,200,000 to support the Justice Prisoner and Alien Transportation System. ▲ shall remain available not to exceed and not to exceed \$2,300,000 for above standard construction costs for prisoner detention areas.

remain available until expended; Provided, That, [with respect to the amounts appropriated above] ▲ the service of maintaining and for fiscal year 1998 and thereafter

and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102(f). Provided further, That not to exceed 12 permanent positions and 12 full-time equivalent workyears and \$700,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis).

(18 U.S.C. 1963, 3053, 3059, 3192, 3521-3528, 4008 19 U.S.C. 1613; 21 U.S.C. 881; 28 U.S.C. 510; 524, 561-562, 565, 567, 569-572, 1921; 48 U.S.C. 1424(b), 1614(c), 1694(b) (3); Department of Justice Appropriations Act, 1997.)

Explanation of Changes:

1. The first change would allow \$2,300,000 for construction of prisoner detention areas to remain available until expended.
2. The second change would make language, enacted in 1997, permanent.
3. The third change would delete language limiting the Legislative and Public Affairs Offices.

United States Maritime Service
Salaries and Expenses
Changes of 1987 Changes
(DOLLARS IN THOUSANDS)

Activity/Program	1987 President's Budget Request		Congressional Appropriation Action on 1987 Request		Transfers		Technical Adjustment		Reprogramming		1987 Appropriation Authority	
	Est.	Chg.	Est.	Chg.	Est.	Chg.	Est.	Chg.	Est.	Chg.	Est.	Chg.
1. Production of the Judicial Process	2,368	2,368	24,588	(71)	(138)	(13,216)	---	---	---	---	2,360	2,275
2. Judicial Process & Alien Transportation System	302	225	51,316	---	(19)	(249)	---	---	---	---	211	225
3. Judicial Process & Alien Transportation System	592	597	59,904	---	(59)	(742)	---	---	---	---	518	594
4. Judicial Process & Alien Transportation System	118	171	12,425	---	---	(3,305)	---	---	---	---	208	171
5. Judicial Process & Alien Transportation System	182	188	13,223	---	---	---	---	---	---	---	182	188
6. Judicial Process & Alien Transportation System	27	24	4,584	---	---	---	---	---	---	---	27	24
7. Training	47	31	25,088	---	(19)	(7,361)	---	---	---	---	37	31
8. ADPOT Communication	135	2	12,225	---	---	---	---	---	---	---	137	2
9. Management and Administration	4,358	4,357	48,362	(81)	(188)	(23,097)	---	---	---	---	4,154	3,867
Total												

Congressional Appropriation Action

The Senate recommended a decrease of 91 positions, 168 workyears, and \$32,087,000 below the President's budget request level.

Transfers

The increase of \$340,000 is a transfer from the HETA program.

Technical Adjustment

The increase of four positions and four workyears resulted from the disestablishment of the U.S. People's Commission. The increase of four positions and four workyears in Management and Administration are from the disestablishment of the Community Relations Service.

Reprogramming

The reprogramming moved resources between decision units to accurately display the utilization of the resources provided the USMS.

United States Marshall Service
Salaries and Expenses
Summary of Resources by Program
(Dollars in Thousands)

Estimated Program	1998 in Forecast			1998 Actual			1997 Appropriation			1998 Base			1998 Estimate			Increases/Decreases		
	Perm Est.	NY	Amount	Perm Est.	NY	Amount	Perm Est.	NY	Amount	Perm Est.	NY	Amount	Perm Est.	NY	Amount	Perm Est.	NY	Amount
Production of Judicial Process	2,087	2,042	\$228,236	2,084	1,877	\$228,236	2,380	2,275	\$240,791	2,234	2,190	\$237,864	2,296	2,226	\$248,261	62	46	\$11,417
Justice Prisoner and Alien																		
Fugitive Apprehension	190	173	36,795	153	148	36,795	212	225	\$1,458	212	225	\$2,298	212	225	\$2,798			500
Fugitive Apprehension	568	581	\$7,810	612	568	\$7,810	619	604	\$1,184	619	604	\$2,316	609	624	\$7,361	40	20	\$1,145
Fugitive Apprehension	418	404	\$7,617	421	402	\$7,617	338	325	\$4,044	338	325	\$4,044	338	325	\$4,044			
Fugitive Apprehension	156	148	\$2,833	153	148	\$2,833	208	171	\$18,040	208	186	\$18,383	208	186	\$18,383			
D.C. Superior Court	183	188	\$17,804	191	183	\$17,804	182	186	\$18,223	182	186	\$18,615	182	186	\$18,615			
Service of Legal Process	27	24	\$4,432	36	37	\$4,432	27	24	\$4,594	27	24	\$4,667	27	24	\$4,667			
Training	27	21	\$20,365	36	37	\$20,365	27	21	\$20,738	27	21	\$19,928	27	21	\$19,928			
ACFT Communications	169	21	\$17,275	153	118	\$17,275	152	15	\$3,652	152	174	\$3,652	152	174	\$3,652	2	1	\$2,194
Management & Administration	3,823	3,671	\$23,866	3,823	3,696	\$23,866	4,124	3,987	\$27,733	3,986	3,847	\$28,436	4,106	3,816	\$28,436	100	66	\$19,898
Total	3,823	3,671	\$23,866	3,823	3,696	\$23,866	4,124	3,987	\$27,733	3,986	3,847	\$28,436	4,106	3,816	\$28,436	100	66	\$19,898
Reimbursable employees																		
Total employees																		
Other Workyears																		
LEAP																		
Overtime																		
Total compensable employees																		

United States Maritime Service
Salaries and Expenses
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

	1966 Actual		1967 Estimate		1968 Request		Increase/Decrease	
	Pcs.	WT	Pcs.	WT	Pcs.	WT	Pcs.	WT
Collections by Source:								
Administrative Office of the U.S. Courts.....	...	...	31	31	31	31	...	...
Armed Forces Press.....	...	...	5	5	5	5	...	...
Bureau of Prisons.....	5	5	5	5	5	5	...	...
Department of Defense.....	...	...	23	23	23	23	...	...
Department of State.....	...	...	100	100	100	100	...	...
Department of the Air Force.....	4	4	4	4	4	4	...	...
DJ News.....	...	...	40	40	40	40	...	...
DOJ AG Constitution.....	...	...	2490	...	...	...	...	...
DOJ AG Maritime Bureau.....	1	1	1	1	...	...	...	...
DOJ Maritime Bureau.....	1	1	1	1	...	...	...	...
DOJ Maritime Bureau.....	...	...	8120	...	...	...	...	...
Drug Enforcement Administration.....	7	7	1,377	...	...	...	...	...
East Office of the U.S. Attorneys.....	7	7	2,753	...	...	...	...	...
Federal Bureau of Investigation.....	...	...	18	...	...	...	...	...
Federal Law Enforcement Training Center.....	1	1	50	...	...	...	...	...
Immigration & Naturalization Service.....	...	...	6,338	...	...	...	...	...
INS Prisons.....	4	4	483	...	...	...	...	...
Intelligence Community.....	1	1	86	...	...	...	...	...
Intelligence Community.....	13	13	1,228	...	...	...	...	...
INS Prisons.....	3	3	465	...	...	...	...	...
Various.....	5	5	2,816	...	...	...	...	...
Various U.S. Courts.....	...	...	558	...	...	...	...	...
Various U.S. Courts.....	20	20	3,205	...	...	...	...	...
Budgetary Resources.....	71	71	\$83,073	71	71	\$29,500	0	0
								(53,573)

United States Marshals Service
 Salaries and Expenses
 Reimbursable Resources
 Summary of Requirements
 (Column in Thousands)

	1998 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Collection of Program:								
Protection of Judicial Process.....	36	\$33,202	35	\$40,312	34	\$4,825	(1)	(1)
Justice Prisoner and Alien Transportation.....	5	10,824	5	11,044	5	9,879	...	(1,165)
Deputy Apprehension.....	17	1,151	17	5,320	17	5,320	...	53
Deputy Apprehension.....	...	4,490	...	5,320	...	5,320	...	...
Services of Legal Process.....	9	3,317	13	3,340	14	3,360	1	...
Training.....	...	20	...	25	...	...	...	55
ADPT/Communication.....	...	1,483	...	232	...	...	...	(251)
Management & Administration.....	5	88	1	108	1	65	...	650
Total.....	71	\$49,973	71	\$60,350	71	\$59,000	...	(\$1,350)

United States Marshals Service
Salaries and Expenses
Program Performance Information
Government Performance and Results Act Requirements

MISSION: It is the mission of the United States Marshals Service (USMS) to protect the federal courts and ensure the effective operation of the judicial system.

ORGANIZATIONAL GOALS:

1. To protect judges and other participants in the judicial process.
2. To provide for the security of federal court facilities.
3. To execute court orders, including certain arrest warrants and the seizure, maintenance, and disposal of assets.
4. To provide for the secure confinement, transportation, and production of prisoners for judicial proceedings.
5. To assure the long-term safety of government witnesses.
6. To collect fees, make payments in support of prisoners in non-federal institutions, and disburse funds as directed by the Attorney General.
7. To carry out the directives issued by the Attorney General.

United States Marshals Service
Salaries and Expenses
Program Performance Information
Activity Resource Summary
(Dollars in Thousands)

ACTIVITY: PROTECTION OF THE JUDICIAL PROCESS

1997 Appropriation Enacted	Perm	ETA	Amount
1998 Base	POS	2,275	\$240,791
1998 Estimate		2,190	237,864
Increase/Decrease		2,235	249,281
		46	11,417
		62	

BASE PROGRAM DESCRIPTION: The framers of the Constitution intended that the American public should look to the federal judicial system as one that is open, secure, and free from corruption. Making this possible has been the historical role of the United States Marshals. In support of this core mission of the U.S. Marshals Service (USMS), the Judicial Security Program maintains the integrity of the judicial process by: 1) ensuring that each of the more than 500 federal judicial facilities are secure -- both physically safe, and free from intrusion by technological devices designed to subvert the courts' proceedings; 2) guaranteeing that all federal judges, magistrate judges, bankruptcy judges, prosecutors, witnesses, jurors and other participants can conduct uninterrupted proceedings in an open, safe environment; and, 3) limiting opportunities for criminals to tamper with evidence or use intimidation, extortion, or bribery in attempts to corrupt judicial proceedings.

To ensure that judicial proceedings and other court activities occur in a safe and secure environment, the USMS manages a national database of facility security profiles for each federal courthouse. Each year, USMS managers in the district offices complete updates of the profiles maintained for each facility housing judicial officers and forward the information to the Judicial Security Division. The Judicial Security Division evaluates the submissions and enters the information into the database. By querying the database, the Judicial Security Division can produce a national schedule of deficiencies and resource needs. As a result, plans for corrective action are developed and presented to the Director and his senior staff for review and approval before being included as part of budget requests for additional resources.

Certain trials and related court proceedings need to be supported by more than normal levels of security to prevent disruption. Such cases are identified through the district's assessment of facility security requirements. Where the situation is deemed high risk, the district develops an operations plan at least seven days before the anticipated commencement of the trial. Should the situation be regarded as an extraordinary high risk (the upcoming Oklahoma City bombing trial, for example), Court Security Inspectors review or prepare operations plans at least 30 calendar days before the trial. The supplemental staff and other resources identified as needed by the approved operations plan are provided through the USMS Special

Assignments process. Once the trial is complete, an after action review results in a report on the effectiveness of the operations plan during its application.

Recently, population increases or shifts, along with new legislation enacted by the Congress, have combined to create congressionally recognized requirements for additional federal courthouses. As a result, new courthouse construction and renovation have become major workload generators and will continue to be in the future. Much of this future construction will be needed to provide courthouses for additional bankruptcy and magistrate judges, for new district judges, and for senior judges who continue to preside over judicial proceedings. The USMS is required to provide the same level of protection and security for all new judicial officers and additional facilities. USMS staff will need to monitor the new and changing requirements, provide technical advice and assistance to the judiciary on security procedures, and evaluate, obtain, deploy, and operate state-of-the-art security equipment.

Several new and renovated courthouses will require additional USMS personnel to insure the same level of security currently found in federal courthouses. Because judges have the statutory authority to require the presence of a Deputy U.S. Marshal (DUSH) at any criminal or civil proceeding, (even if other deputies are already present to guard prisoners), an increase in the number of judges is expected to increase USMS workload in the courthouses. If additional DUSHs are not authorized for judicial security, the Director of the USMS will be unable to recommend to the Attorney General that the new facilities be opened.

It is the responsibility of the USMS to assure that courthouses and other work spaces are clear of electronic monitoring or interference devices, thus ensuring safe and secure business operations. Upon request, the Court Security Inspectors provide electronic countermeasure services in connection with Classified, Information Protection Act (CIPA) hearings, and other electronic support to further secure the courts.

The Witness Security function provides protection to government witnesses and their families when their lives become endangered because they have agreed to provide critical information concerning organized criminal activity, terrorism or other serious criminal enterprises. This protection is provided 24 hours a day, 7 days a week, while they are in "threat" environments, and when they return to a danger area for trials or other court appearances. The Witness Security staff administers all matters relating to new identities, relocation, and program services to the witnesses and their family members.

The Special Operations Group (SOG) is a specially trained and equipped unit deployed in high-risk law enforcement situations. The primary mission is support of districts and headquarters operational divisions. The secondary mission is tactical support of USMS initiatives during national emergencies, civil disorders, natural disasters, or as ordered by the Attorney General, Director, Deputy Director or their designees.

At present, SOG has eight full-time operational and four administrative employees at the Special Operations Group Tactical Center in Louisiana. SOG consists of 3 Task Forces with approximately 25 members in each group. These members are volunteers who have met the USMS and SOG standards of physical fitness, mental ability, and strength of character. They are on-call 24 hours a day and can be assembled anywhere in the

United States fully equipped, self-supporting, and operationally ready. SOG members perform the full range of deputy duties in their respective districts when not engaged in SOG activities. SOG is authorized and responsible for the selection and use of its own weapons, ammunition, special munitions, diversionary devices, and non-lethal weapons.

The **Prisoner Security** function ensures the custody, protection and safety of all federal detainees throughout the federal judicial process. Included in this vital program are the following essential responsibilities: 1) maintaining custody of federal prisoners while in court and in standby situations; 2) providing in-district transportation of all federal prisoners to support productions to and from all court and court related proceedings, for meetings with attorneys, for medical appointments and all other court ordered appearances; and 3) the receipt and processing of all federal detainees which includes receiving prisoners into USMS custody, processing them through district offices, federal institutions and contract jails, and all other functions related to the acquisition of bedspace to support the federal detainee population. In FY 1996, the USMS received over 98,000 prisoners into custody, resulting in an average daily population in USMS custody of 23,200 prisoners, making it the 17th largest correctional population in the United States. Additionally, in FY 1996 the USMS carried out nearly 380,000 prisoner productions, excluding the largest district -- D.C. Superior Court.

ACTIVITY: JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM (JPATS)

	Para	FY96	Amount
1997 Appropriation Enacted	208.	225	\$51,459
1998 Base	212	225	52,268
1998 Estimate	212	225	52,268
Increase/Decrease	...	...	\$00

BASE PROGRAM DESCRIPTION: This program supports the federal judicial system by the nation-wide scheduling and movement of all prisoner transportation under the Justice Prisoner and Alien Transportation System (JPATS). The term prisoner includes all federal prisoners (sentenced prisoners, pretrial and military detainees), whether in the custody of the USMS, Bureau of Prisons (BOP) or Immigration and Naturalization Service (INS). On a space available basis, the Department of Defense (DOD) military prisoners and non-civilian federal prisoners (state and local) are transported. JPATS was created to enhance scheduling efficiency by combining personnel, fleets and equipment, thereby allowing for the movement of increased numbers of prisoners and detainees. The program consists of the Air Operations function (which includes the former INS Detention and Deportation Air Transportation Branch), the Prisoner Transportation function and the USMS districts.

The **Air Operations** function is based in Oklahoma City, OK, with operating locations at Alexandria, Louisiana; El Paso, Texas; and Anchorage, Alaska. The aircraft fleet consists of 13 aircraft: three B72's, one DC-9, four Sabreliners, one Lear 25D, two Conquairs, one Cessna 185 and one Piper Cheyenne. Air

Operations is responsible for the efficient movement of prisoners and detainees by DOJ owned or leased aircraft. In addition, Air Operations is responsible for coordinating with the Public Health Services (Department of Health and Human Services) to provide medical consultation and in-flight medical services to prisoners. Air Operations also develops and coordinates a strategic plan to replace and modernize the aircraft fleet to support growing demands for transportation and to support DOJ initiatives.

The number of alien movements by airlift increased by 20,983 during FY 1996, a 203 percent increase over FY 1995. It is estimated that 35,000 aliens will be transported by JPATS aircraft in FY 1998. Based on a two-year average increase of 5 percent a USMS Prisoner movements, plus the estimated increase of 3,000 additional alien movements, the total JPATS movements are projected to be 195,359 in FY 1997 and 206,167 in FY 1998.

The **Prisoner Transportation** function, located in Kansas City, Missouri, is responsible for scheduling the transportation of prisoners/detainees. Ground and air prisoner movements are established and coordinated with the FBI, BOP, the Department of Energy, and the U.S. Customs Service. Prisoner transportation also manages the Centralized Ticketing Program which is used to purchase low cost commercial airline tickets when large numbers of personnel need to be moved quickly. The Centralized Ticketing Program provides low government fares at substantial savings to the Service.

USMS Districts make up the final segment of JPATS as deputies utilize buses, vans and cars to move prisoners between nearby districts, or to meet scheduled flights for BOP and INS prisoners. Deputies are also responsible for transporting prisoners to and from BOP and INS facilities to meet judicial requirements such as court order execution, prisoner population management or medical isolation.

ACTIVITY: FUGITIVE APPREHENSION

	Firm	FTE	Amount
1997 Appropriation Enacted	604	604	60,924
1998 Base	619	604	62,216
1998 Estimates	632	624	67,161
Increase/Decrease	40	20	5,145

BASE PROGRAM DESCRIPTION: The USMS acts as the "sheriff" in the federal criminal justice system and is the only federal agency primarily responsible for the apprehension of fugitives from justice: escapees, bail jumpers, parole and probation violators. The USMS uses various methods to reach beyond the boundaries of the United States in the apprehension of fugitive felons and is a member of the International Police (INTERPOL). Such representatives are stationed in France and at the National Central Bureau in Washington, D.C. The USMS supplements INTERPOL international law enforcement efforts by supporting close working relationships with foreign country law enforcement officials and with DEA and FBI officials in various foreign locations. The USMS continuously improves its methods to apprehend fugitives by coordinating task forces, bringing together

the special talents of investigators for intense cases, improving on electronic surveillance techniques, applying special analytical methods, and upgrading the use of automated information systems.

ACTIVITY: SEIZED ASSETS MANAGEMENT

1987 Appropriation Enacted	Perm	FTZ	Amount
1988 Base	202	325	\$24,044
1988 Estimate	339	325	24,689
Increase/Decrease	337	325	24,683

BASE PROGRAM DESCRIPTION: The Asset Seizure and Forfeiture Program is one of the most potent weapons in the Department's law enforcement program, particularly when it targets large criminal organizations such as illegal drug enterprises. The success of the program relies on the close coordination between the Department of Justice's investigative agencies, the U.S. Attorney's Offices and the USMS. The USMS has two primary roles as it relates to the asset forfeiture program: an operational role and an administrative role. With regard to the operational role, the USMS is responsible for executing court orders which include the physical seizure and securing of assets. The administrative role consists of establishing contracts with private sector vendors and/or memorandums of understanding with other federal agencies to perform the work necessary to ensure assets are properly maintained while pending forfeiture action. Once forfeited, the USMS works to ensure the assets are disposed of in a timely and commercially sound manner.

ACTIVITY: D. C. SUPERIOR COURT

1987 Appropriation Enacted	Perm	FTZ	Amount
1988 Base	206	171	\$18,040
1988 Estimate	206	196	19,383
Increase/Decrease	206	196	19,383

BASE PROGRAM DESCRIPTION: The Office of the U.S. Marshal for the Superior Court in the District of Columbia performs functions which are local in nature and are typically performed by a sheriff or similar local official. The USMS supports the Superior Court with activities that are outside federal jurisdiction in other districts. These include such matters as serving civil and criminal bench warrants, executing orders for apprehending mentally ill persons, and conducting court-ordered evictions. At the same time, this office performs services done in all other USMS district offices, including protecting the judiciary, detaining and transporting prisoners, tracking fugitives, and service of process.

The D.C. Superior Court and Court of Appeals have 104 judicial officers consisting of 69 judges, 15 magistrates, and 20 senior judges occupying 84 courtrooms and hearing rooms located in three separate buildings. The court operates 6 days a week, including all holidays, and handles a wide variety of judicial cases including: criminal (felonies, accelerated felonies, traffic felonies, and misdemeanors involving injury); civil (major actions above \$2,000); family (domestic relations, contested divorces, and contested custody); commissioners (mental health hearings, small claims, misdemeanors not involving injury, D.C. traffic, preliminary hearings, arraignments, and family matters (Chief Judge criminal cases and tenant disputes)). Deputy U.S. Marshals are assigned to courtrooms that have criminal proceedings, with the exception of one civil courtroom where the proceedings are so volatile that the judges demand the presence of a deputy.

ACTIVITY: SERVICE OF LEGAL PROCESS

	Perm Pos.	FTE	Amount
1997 Appropriation Enacted	182	188	\$18,223
1998 Base	182	188	18,615
1998 Estimate	182	188	18,615
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: Every year, the USMS executes thousands of summonses, writs, mandates, and other legal process for the federal courts, U.S. Attorneys, private litigants, federal agencies, foreign governments, and others. Service of Legal Process includes summons and complaints in civil actions, subpoenas in both civil and criminal, writs of habeas corpus, and enforcement of major injunctions. This program is responsible for providing law enforcement assistance for nuclear weapons movements through reimbursable agreements with the Joint Cruise Missile Project Office of the Department of Defense and the U.S. Air Force. Additionally, Service of Legal Process provides specific assistance to state and local law enforcement agencies.

The Anti-Drug Abuse Act of 1988 amended 28 U.S.C. 1921, and provided for the collection of fees and commissions for the personal service of non-government civil process by USMS. The amended statute (Sec. 7608 (c), PL. 100-690) permits the Attorney General to set fees and commissions. Regulations establishing new fees and commissions for the service of process became effective in February 1991. As a result, the USMS has collected over \$3 million each year for the past four years.

For non-warrant court orders, 70 percent are served in person, 20 percent served by mail and 10 percent are returned to the court unexecuted. What at first may appear to be routine work (e.g., summonses and complaints filed in debt collection cases) frequently requires significant investigation by the Deputy U.S. Marshals as they try to locate the individuals attempting to avoid service. The quantity and complexity of the USMS's workload are determined, in large part, by decisions made by the U.S. Attorneys, investigative agencies, and the courts.

ACTIVITY: TRAINING

	Pos.	PLT	Perm	Amount
1997 Appropriation Enacted	27	24		\$4,584
1998 Base	27	24		4,667
1998 Estimate	27	24		4,667
Increase/Decrease	...	...		...

BASE PROGRAM DESCRIPTION: The USMS Training Academy, located at the Federal Law Enforcement Training Center (FLETC), provides and oversees the training of all USMS personnel. A wide range of programs are offered that address the needs of both operational and administrative personnel; as well as two courses specifically designed to assist state and local law enforcement. Regional and management training that cannot be accommodated at the FLETC are conducted at various locations throughout the country to ensure that personnel are current on all aspects of their program area. The Academy responds to the ever-increasing demands for new courses to produce a highly competent and professional work force using current technology to perform assigned tasks efficiently, effectively, and safely.

The Academy's goal is to ensure that all personnel within the USMS receive, on a scheduled basis, the knowledge and skills necessary to support the mission of the agency, such as protection and support of the judiciary, apprehension of fugitives, seizure of assets, security of witnesses, transportation and housing of federal prisoners, and administrative functions.

ACTIVITY: ADP AND TELECOMMUNICATIONS

	Pos.	PLT	Perm	Amount
1997 Appropriation Enacted	27	21		\$20,738
1998 Base	27	21		16,928
1998 Estimate	28	22		19,062
Increase/Decrease	2	1		2,134

BASE PROGRAM DESCRIPTION: The ADP and Telecommunications decision unit is comprised of the Information Technology Services (ITS) program and the Communications Management program. The goal of the ITS program is to provide Automated Information System (AIS) support to all USMS users and to provide a complete range of major AIS applications through the best possible information technology systems.

The basis of AIS support is the Marshals Service Network (MSNET) which provides access to local and remote software applications as well as central sites and national databases. At the end of FY 1996, the USMS computer equipment inventory included 4,100 personal computers, 3,400 printers, 129 file servers, and 279 network routers. All districts (94 main offices and 166 suboffices) and headquarters divisions had at least one work station with the ability to connect to all other USMS offices through the wide area network.

ITS staff at headquarters supports major AIS projects through centralized planning, design, programming, and maintenance. ITS also provides contractor support to augment staff services. In addition, Senior Systems Administrators (SSAs), dedicated computer specialists, work in the largest district offices and provide front line support for those offices and the districts surrounding them. By the end of FY 1996, SSAs and ITS staff at headquarters had received 7,016 requests for AIS assistance.

The primary missions of the Communications Management program are radio communications, telephone communications, and communication security. The USMS two-way radio system includes fixed equipment, mobile units, and hand units, and portable equipment. These radios support all USMS operational missions: Prisoner and Witness transport, protection of the federal judiciary, witness security activities, and nuclear waste escort. The USMS is in the process of replacing all analog radios with digital narrow-band radios. These new units provide the privacy and security required by federal law enforcement standards.

The Service's Telephone Support area is responsible for the design, installation, maintenance, and upgrade of all telephone systems at headquarters and in the districts. Periodic travel to the districts insures that telecommunications requirements are met with regard to current and future office layouts, system size, and system type. In some instances, visits are necessary to oversee the entire telephone system installation process. The Service's Secure Communications area is responsible for the nationwide COMSEC program that has 808 Type 1 STU-III telephone units, 313 secure facsimile machines, and 457 Type 2 STU-III telephone units.

ACTIVITY: MANAGEMENT AND ADMINISTRATION

	Perm	FTK	Amount
1997 Appropriation Enacted	Pos.	74	\$18,692
1998 Base	152	74	19,025
1998 Estimate	136	76	19,438
Increase/Decrease	4	2	413

BASE PROGRAM DESCRIPTION: The Business Services Division (BSD) coordinates the Courthouse Construction Program in conjunction with GSA and AOUSC. BSD also oversees and coordinates all requests for space nationally to GSA and tracks rent at approximately 455 locations.

BSD manages the USMS fleet which includes 2,769 vehicles. The major activities are: specifying and ordering new purchased and leased vehicles; maintaining the vehicle inventory and management information system; maintaining vehicle accident records and reimbursing accident repairs; and ordering, renewing, and replacing government gasoline credit cards.

BSD administers the Service's personal property management program which is mandated by the Federal Property and Administrative Services Act of 1949 and numerous other federal regulations. Currently, the USMS

maintains an inventory of more than 30,000 items of accountable property having an aggregate value in excess of \$100 million.

BSD establishes financial management policies and procedures and performs oversight for the districts and headquarters divisions. The scope of financial management spans five major appropriations and includes monitoring day-to-day transactions and obligations, reviewing financial management reports, and monitoring collection and disbursement functions to ensure the integrity of financial data recorded by the field.

BSD is responsible for purchasing all supplies, equipment, and services for all headquarters offices. BSD reviews all contracts to ensure adherence to federal regulations and USMS policies. BSD's goal is to have an on-site review of each district at least once every five years to provide oversight of district simplified acquisition procedures.

The Management and Budget Division (MBD) is responsible for formulating and executing all USMS appropriations. MBD coordinates the submission of the court security appropriation with KODSC and coordinates the protected witness component of fees and expenses of witnesses with DOJ. MBD is responsible for planning, developing, and supporting the Service's management and productivity improvement initiatives. It directs the Service's strategic planning process, leads quality management initiatives, coordinates performance improvement, and implements major automated information systems.

MBD is responsible for promulgating all USMS policy. The division maintains and publishes the U.S. Marshals Manual and monitors compliance with the Federal Energy's Financial Integrity Act. MBD performs internal audits of districts and headquarters elements. The division documents and analyzes review findings and recommends corrective actions in order to eliminate vulnerabilities and prevent future problems.

The Human Resources Management Division provides a full range of personnel services for approximately 4,100 employees nationwide. Services are provided in field support, headquarters support, benefits and payroll, employee and labor relations, health and safety, career programs, background investigations, suitability adjudications and program oversight.

The Prisoner Services Division, Office of Interagency Medical Services is responsible for: developing and administering USMS prisoner medical program policies; providing technical assistance to the field; coordinating interagency prisoner medical care and infectious disease control; and containing medical cost initiatives.

The Executive Services Division (ESD) includes the Office of Congressional and Public Affairs, Investigations and Equal Employment Opportunity Division. ESD also performs integrity-related internal investigations of alleged misconduct, albeit activities are performed in accordance with USMS employees and contractors. The division also serves as the liaison with the DOJ Office of Inspector General, Office of Professional Responsibility, and FBI when assisting with investigations of USMS employees.

PROGRAM INCREASES

PROTECTION OF THE JUDICIAL PROCESS

Courthouse Security
Courthouse Project Equipment
WITSEC Administrative Banking Positions
WITSEC New York Metro Inspectors

TOTAL PROTECTION OF THE JUDICIAL PROCESS

Perm	LTZ	Amount
53	41	\$5,187
0	0	5,572
4	2	190
3	3	468
62	46	11,417

Proposed Actions

These initiatives seek to address the following objectives:

- 1) Provide personnel to protect all high-threat trials, other criminal proceedings, and certain civil proceedings, where warranted;
- 2) Provide a safe, secure, and unimpeded environment within which the federal courts can conduct business;
- 3) Maintain security at 18 new and renovated judicial facilities;
- 4) Streamline financial processes through secure banking and electronic reporting services;
- 5) Increase security of protected witnesses;
- 6) Reduce workload in district offices;
- 7) Reduce DWSM overtime, guard and special assignment costs; and
- 8) Provide skilled, trained personnel to perform specialized WITSEC functions.

Courthouse Security

The USMS requests 83 positions (43 DWSMs and 40 administrative positions), 41 PM and \$5,187,000 to provide personnel necessary to ensure that new and renovated federal courthouses can open on schedule with adequate security. A large portion of the USMS workload is generated by other law enforcement agencies, especially the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), Alcohol, Tobacco and Firearms (ATF) and the U.S. Customs Service. As these agencies succeed in apprehending and prosecuting drug

traffickers and other violent offenders, the USMS must handle an increasing number of lengthy and costly multi-defendant trials. Processing high-threat criminals throughout the courts takes staffing dedicated specifically to these cases.

The Comprehensive Crime Control Act, the Organized Crime Drug Enforcement Task Force, the Sentencing Reform Act, the Anti-Drug Abuse Act, the Violent Crime Initiative, and the Crime Control Act all contribute to the increase in the USMS's security workload. Complex security problems have resulted from these criminal justice statutes. The USMS must produce growing numbers of allegedly dangerous drug traffickers and other violence-prone individuals in federal courts for numerous proceedings.

The requested resources will provide adequate staff at the 15 courthouse projects completing construction or renovation in FY 1998. Seventeen of the 53 positions are designated for new courthouses that were originally scheduled to open in FY 1997, but, due to construction delays, will open in FY 1998. Without additional personnel, these courthouses cannot open with adequate security. The number of personnel required at each facility is based on a variety of factors, including: 1) whether or not the facility is establishing a new court location; 2) whether additional judges or magistrates are being added at the facility; and 3) whether or not the facility's cellblock area requires more staffing to secure the existing facility.

The USMS used three technical advisors (two Chief Deputy U.S. Marshals who were Deputy Chiefs of the former Court Security Division and a Supervisory Court Security Inspector) with extensive experience in district offices and court security to assist in determining the USMS staffing requirements for each courthouse construction project to be completed in FY 1998. The advisors met with the USMS Business Services Division to review the description of each courthouse renovation/construction project scheduled to be completed in FY 1998. Based on the project description, they identified projects which may need additional personnel. Using standard questions, the technical advisors contacted the appropriate districts to determine the number of new DUSM and administrative positions required as a direct result of the courthouse project. Copies of the surveys have been retained for future reference.

Based on courthouse project information from the General Services Administration (GSA), Administrative Office of U.S. Courts (AOUSC) and the district surveys, the following methodology was developed to determine the number of new DUSM and administrative positions required to provide appropriate security and support to the court space and its tenants: 1) a newly established judgeship requires four additional DUSMs; 2) when an additional district judgeship opens as the result of another district judge assuming senior status, the USMS needs two additional DUSMs; 3) a newly appointed bankruptcy judge generates the need for 0.5 additional DUSM; and 4) a newly appointed magistrate judge generates the need for two additional DUSMs. Furthermore, additional DUSMs are required due to other indicators and structural features, such as: 1) new courtrooms; 2) an increase in distance between the principle jail facility and the courthouse; 3) a project resulting in an additional facility adjacent to an existing facility (two additional DUSMs required); and 4) a project resulting in a holding cell design that included a full-time monitoring post (one new DUSM).

Courthouse Project Equipment

In addition to the requested personnel, an increase of \$5,572,000 is requested to insure that new and renovated federal courthouses can open on schedule and properly function with adequate security. Funding is requested for communications, security equipment and furniture at 51 courthouses that either: 1) will open in FY 1998; 2) will have opened by FY 1998, but require continuing work in FY 1998; or 3) will open after FY 1998, but require funding in FY 1998 in order to meet construction schedule. The requested funding will permit the USMS to equip these 51 courthouses for operation and provide efficient and safe working environments for the USMS employees and participants in the judicial process.

Witness Security (WITSEC) Administrative Banking Positions

The USMS requests 6 positions, 2 FTE, and \$190,000 to support the implementation of the Witness Security Banking and electronic reporting services pilot project. The WITSEC Administrative Banking project increases the security of protected witnesses, reduces the administrative staff workload in the districts, and provides quicker cash management information to WITSEC headquarters. This initiative is intended to streamline the process of getting funds to the WITSEC inspector and provide an instant record of transactions for the headquarters office. By the fourth quarter of FY 1997, WITSEC will have implemented the banking pilot project in at least two regions, encompassing 13 district offices and supporting an average of 107 funded households.

Previously, administrative staff in 67 districts provided 100 percent funding support by processing and paying more than 30,000 witness vouchers every year. WITSEC regional offices have no prior direct involvement in this payment process. WITSEC will now provide 100 percent support. A WITSEC administrative position is required for each of the 12 regions due to an increase in the workload. To gain greater control of funded additional duties will be required of the WITSEC administrative staff. Witness vouchers will be processed and paid as districts have done in the past. The administrative staff will also be required to review budget and accounting transactions to determine funding requirements, accurately enter data into two automated accounting systems (WITSEC financial file and DOJ accounting system), conduct audits for compliance with policies and procedures and prepare end-of-month summary control sheets. Positions will be necessary in both the field and at headquarters to support the shift of responsibility from 67 districts to 12 WITSEC regional offices.

When this project was first envisioned, it was thought that eight additional positions were adequate manpower resources along with current WITSEC staff for the project. However, due to more complex automation requirements, computer support positions are necessary. Therefore, two of the eight positions authorized in FY 1997, originally intended for the field have been transferred to headquarters to provide financial management and computer support. The other six positions have been assigned to six of 12 regional offices. Of the remaining 6 Regional offices, two already have adequate administrative support and the four positions requested for FY 1998 will complete the requirement for an administrative position in each of the 12 Regional Offices.

In FY 1997, WITSEC anticipates spending \$33,000,000 on protected witnesses, which will likely generate more than 36,000 financial vouchers. By eliminating the receipt of checks from districts, the USMS will save \$973,440 (156 inspectors x 52 pickups x \$120 processing fees per check = \$973,440) annually. There are also unquantifiable savings derived from this electronic banking initiative. These are the workhours saved by the WITSEC inspectors who will be able to obtain funds from the WITSEC regional offices, thereby reducing the time spent travelling to and from the district office to pick up witness checks.

Witness Security (WITSEC) New York Metro Inspectors

The USMS requests 5 positions, 3 FTE and \$468,000 to support the New York Metro WITSEC safeite. Historically, to do all of the functions required of a major metropolitan and safeite facility, two DUSMs from the Southern District of New York (S/NY) have augmented the safeite staff. These DUSMs were then backfilled by hiring guards so the district's workload was not adversely impacted. The safeite also has used four DUSMs on recurring three-week details assigned through the Office of District Affairs.

Due to the sensitivity of the information contained in this safeite and the identity of persons supported, the assistance provided by both the S/NY DUSMs and the Special Assignment DUSMs is both limited and routine. Only trained WITSEC inspectors can handle complicated WITSEC specific functions. Therefore, five additional dedicated WITSEC positions will give increased continuity and flexibility in performing other WITSEC-specific functions requiring specialized skills and training (i.e., interviewing prospective witnesses, conducting preliminary interviews, preparing memoranda of understanding, and acting as liaison with investigative agencies, the courts and U.S. Attorneys).

The FY 1998 costs for hiring five new inspectors will be approximately \$643,000. This amount includes one-time costs associated with hiring a new DUSM such as training, travel, uniforms, equipment and other initial costs. This total cost is planned to be offset by the guard and overtime cost savings of \$175,000 for the requested level of \$468,000. By FY 1998, the anticipated costs associated with funding the positions out of the Special Assignment Reserve will be nearly \$1,000,000. The savings realized by using full time permanent positions rather than DUSMs on Special Assignment details provides an additional benefit for hiring fully trained WITSEC inspectors.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM

JPATS Program - Oversight and Analytical Capabilities

Perm	FTE	Amount
Pos.	...	500
...

Proposed Actions

This initiative seeks to address the following objective:

Comply with recommendations by the Deputy Attorney General and the Justice Management Division to create an analytical capability to develop performance data, plan operations and support resource requests for the efficient and effective operations of JPATS.

JPATS Program - Oversight and Analytical Capabilities

The USMS requests \$500,000 for contract services to provide analytical support to the JPATS program. In March 1996, at a briefing for the Deputy Attorney General (DAG) by the Justice Management Division (JMD), Management and Planning Staff, on the utilization of the USMS hangar, the DAG directed the USMS to create an analytic capability to develop performance data, plan operations, and support resource requests, for the efficient and effective operation of JPATS (such as mode of travel, frequency of routes, leased or owned airlift, location of hubs, etc.).

The availability of sound data and analysis related to the JPATS workload, per-unit costs, and optimal scheduling and routing decisions is not only critical to making decisions that are efficient and cost effective but also critical to the development and justification of resource requests. The Department has urged the USMS to develop aviation data sources and improve analytical functions since the late 1980s. The DAG and JMD have recommended that a highly technical staff be established to provide the analytical capability. Funding is requested to provide this capability through five contracted positions -- two operations research specialists, two computer systems analysts, and one economist. Utilizing contracted positions instead of hiring permanent employees will generate cost savings of \$116,000 in the first year for the USMS because personnel benefits and overhead costs are not paid. These positions would be located in Oklahoma City, Oklahoma, with duties and functions as follows:

Operations Research Specialist:

- 1) Identifies those areas of common management and administrative activities shared by FBI and DEA with JPATS that can be effectively coordinated to increase operational efficiencies, save resources, and eliminate redundancies;
- 2) Leads the preparation of a comprehensive DOJ transportation strategy, for approval by the DOJ leadership, which would include the integrated deployment of JPATS, ground transportation, and other resources b, USMS, BOP and INS;
- 3) Establishes solid quantitative performance measures, including budget, scheduling, training, maintenance data, etc., for JPATS operations that would be used for management and planning;
- 4) Reviews JPATS routing structures, trip frequencies, transportation conveyances utilized, etc.;

- 5) Recommends any required changes to the existing transportation systems for both the USMS and INS that will satisfy the requirements in the most efficient and economical manner (in the short-term and long-term);
- 6) Ensures that use of all available resources, i.e., airplanes and other vehicles, are optimized at all times.

Computer Systems Analyst:

- 1) Tracks, analyzes and evaluates the routes the aircraft fly with the view to automating the data to optimize flight schedules, ground transportation schedules, and detention space;
- 2) Analyzes the system for effectiveness and recommends changes and enhancements as necessary;
- 3) Prepares specifications for the procurement of software systems, develops and performs benchmarks to evaluate and test vendor software and hardware, and participates in vendor evaluation and selection committees;
- 4) Plans and conducts analysis of broad areas of project work processes to include system design, risk analysis and operations needs;
- 5) Studies the feasibility and proposed efficiency of further phases of the Automated Prisoner Scheduling System (APSS);
- 6) Provides technical advice to management and represents the organization in meetings with DOJ and other federal and non-government organizations.

Economist:

- 1) Prepares a sound acquisition plan and strategy for future JPATS aircraft purchases, including analyses of detainee population, facility activation, current unmet INS needs, maintenance requirements, etc.;
- 2) Conducts economic research and analysis in the capacity as technical consultant and economic advisor on the JPATS operation;
- 3) In conjunction with the analytical requirements, collects and evaluates the costs and resources involved with the movement of prisoners and the most effective use of the resources;
- 4) Collects, quantifies, analyzes and evaluates the cost of operating JPATS compared to the other transportation services available in the marketplace.

The USMS goal is to maximize the passengers on scheduled aircraft and vehicles and to transport them at the least cost. All aircraft, van and bus routing structures, trip frequencies, and other modes of transportation to be utilized are determined solely by the experience of the USMS Prisoner Transportation and Air Operations management and staff and the INS transportation system management staff. The size and type of aircraft to procure for the JPATS fleet is primarily determined by resources available that meet the prisoner transportation program needs.

The USMS is now in the process of building a prisoner transportation automation system, called the Automated Prisoner Scheduling System (APSS), which is scheduled to be completed, with data ready for analysis, by October 1, 1997. A successful system does not stop with the completion of the initial design and building of the system. As requirements modernize and workloads change, the computer analysts must constantly be aware of and proficient in modernizing and expanding the automation systems.

FUGITIVE APPREHENSION

DUSMs for Fugitive Apprehension	Perm FOL	FTE 20	Amount 5,145
Proposed Actions	40		

This initiative seeks to address the following objectives:

- 1) Stop the growing backlog and decrease the existing backlog of Class I warrants;
- 2) Provide additional investigative support to DUSMs working warrants in the field; and,
- 3) Work the additional new warrants generated from the new agents being hired by the FBI, DEA, and INS.

DUSMs for Fugitive Apprehension

An increase of 40 positions (40 DUSMs), 20 FTE, and \$5,145,000, dedicated exclusively for this function, is requested to reduce the growing backlog of Class I warrants. The USMS has investigative and apprehension responsibility for persons who commit the following federal offenses: bond default, probation violation, parole violation, and prison escape. The USMS also enforces warrants from agencies without arrest powers, bench warrants issued by federal judges, and warrants referred by the DEA.

The USMS receives approximately 19,000 Class I felony warrants each year. Of these warrants received, 65 percent are apprehended during the first year as a result of USMS investigations. Another 20 percent are apprehended by other law enforcement agencies. The last 15 percent of the new warrants is added to the USMS backlog. Over the past three years the backlog of warrants (warrants over 1 year old) has grown by 950 cases each year. As of September 30, 1996, the backlog numbers 17,574 warrants. The typical fugitive of these backlogged warrants is a white male between the ages of 31 and 45. He has been a fugitive for at least four years and was originally arrested on drug charges.

The table below shows the number of arrests and the number of fugitive apprehension workyears for FY 1994 through FY 1996. During these years, the USMS has averaged 24 arrests per workyear.

	FY 1994	FY 1995	FY 1996	Estimate FY 1997
Fugitive Apprehension Workyears ¹	474	578	621	621
Class I Arrests	13,059	13,682	13,748	15,000
Class I Arrests per WY	27	24	22	24
Backlog of Warrants at End of year ²	15,807	16,509	17,574	18,474
Backlog Increase	1,034	702	1065	900
Percent Increase in Backlog ³	7%	4%	6%	5%

In order to stop the growing backlog of Class I warrants, the USMS requests 40 additional deputy positions for fugitive apprehension. These 40 deputy positions will make enough arrests to keep the warrant backlog from growing each year and would be placed in the following districts that have the largest Class I warrant backlogs:

District	Requested Positions	Anticipated FY 1997 Backlog
Arizona	2	518
Central California	5	1,383
Southern California	8	1,977
Southern Florida	8	2,063
Eastern New York	4	1,200
Southern New York	5	1,339
Southern Texas	6	1,631
Western Texas	2	631
TOTAL	40	10,802

¹ FY 1995 - FY 1997 data include LEAP.

² Warrants over 1 year old.

³ Approximately 15 percent of new warrants is added to the USMS backlog each year. At the same time, deputies close approximately 10 percent of old cases for a net increase to the backlog of 5 percent.

ADP AND TELECOMMUNICATIONS

Perm	FTE	Amount
Pos.	1	2,134
2		

Radios

Proposed Actions

This initiative seeks to address the following objectives:

- 1) Begin a 7 year effort to replace current analog radio systems with new digital radio systems; and,
- 2) Establish an adequate base to maintain the current radio systems.

Radios

The USMS requests 2 positions, 1 FTE, and \$2,134,000 to begin a 7-year conversion effort to replace current analog radio systems with new narrow band digital radio systems. In January 1995, the National Telecommunications and Information Administration (NTIA) and Interdepartment Radio Advisory Committee (IRAC), under the Department of Commerce, mandated that all radio equipment must be converted from the current 25 Kiloherzt analog radio to the 12.5 Kiloherzt narrow band radio system by January 1, 2005. The USMS has strategically planned a systematic radio conversion effort to be completed by FY 2004. The plan can only be implemented with the adequate amount of funding and personnel. The USMS requires a total of \$40,000,000 (ideally, \$6,000,000/year for seven years) in order to achieve a complete conversion and not be in violation of the NTIA mandate. The USMS total requirement for the conversion is \$40,000,000.

Presently, the USMS has an inventory of approximately 6,200 pieces of radio equipment. Fixed radio equipment (repeaters and base stations) has an average life cycle of ten years. Handheld and mobile radios have an average life cycle of seven years. The following chart demonstrates that a substantial amount of equipment has outlived its useful lifespan and the USMS has a shortage of the new 12.5 Kiloherzt narrow band radio equipment.

Type of Radio	Radio Units	Percentage of Radios 10 Years or Older	Percentage Radios Converted To New Technology
Mobiles	2,617	44%	15%
Repeaters/Base Stations	2,655	40%	24%
Handhelds	2,926	0%	36%

The plan is to convert mobile and handheld radios first, since these new digital radios can be programmed, channel-by-channel, to operate in either the old analog or new digital environment. The fixed equipment (repeaters and base stations) will be installed in individual USMS districts with all fixed equipment being replaced within a district at one time, thereby making the shift to the new technology immediate. This way districts will not lose communications during the conversion period. This request includes \$2,000,000 for the replacement of radio equipment and \$134,000 for two GS-391-13 Telecommunications Specialists to assist in the management of the radio equipment inventory and the coordination of the conversion effort. Currently, the USMS has three positions managing the USMS's inventory of approximately 6,200 pieces of radio equipment. The USMS has found this level of staffing insufficient to efficiently handle the workload. If funding is not available and additional positions are not approved, communications will be jeopardized, endangering the lives of judges, USMS personnel, protected witnesses, U.S. Attorneys, prisoners and the public.

MANAGEMENT AND ADMINISTRATION

Electronic Freedom of Information Act (EFOIA)

Perm
Est. 4 FTE Amount
413

Proposed Actions

This initiative seeks to address the following objectives:

- 1) Reduce the backlog of FOIA requests;
- 2) Provide information in an electronic format; and,
- 3) Ensure timely responses to requests for public information.

The USMS requests 4 positions, 2 FTE, and \$413,000 to implement the requirements of the Electronic Freedom of Information Act (P.L. 104-231) and eliminate the current backlog of Freedom of Information and Privacy Acts (FOIPA) requests. The following outlines the USMS plan to meet the requirements of the new legislation.

**P.L. 104-231, Section 4.
Information Made Available in Electronic Format and Indexation of Records**

In 1995, the USMS was selected to serve as a demonstration site for the Freedom of Information and Privacy Acts (FOIPA) National Performance Review (NPR) Laboratory. As a result of this selection, the USMS received funding to purchase computer equipment to enhance current automated systems for processing FOIPA requests. The USMS requests \$47,000 to hire a GS-334-13 Computer Specialist. The computer specialist will maintain the FOIPA NPR site, provide demonstrations and training, input processed documents, and generate information on compact and floppy disks for FOIPA requests.

Additionally, the new law states that the USMS is required to create and maintain an electronic FOIPA reading room, which currently does not exist. The USMS estimates that 10,800 pages of information will need to be made electronically available in FY 1998. The USMS requests \$61,200 to hire a new GS-301-12 FOIPA Specialist to coordinate information, scan documents into electronic format, redact specific information electronically, index all the information available electronically, maintain and update the information contained in the electronic reading room, and process FOIPA requests.

**P.L. 104-231, Section 7.
Ensuring Timely Responses to Requests**

Prior to the new law, few lawsuits were filed because the government was commonly granted stays of litigation to process the requested documents administratively. Under the new law, the USMS recognizes that stays will no longer be granted except in extraordinary circumstances and projects the number of lawsuits to grow substantially. Presently, the USMS does not have an attorney specializing in FOIPA litigation and requests \$101,800 to hire one GS-905-15 FOIPA Attorney. This attorney will exclusively handle all FOIPA legal issues for the entire USMS.

The USMS requests \$47,700 to hire one GS-301-7 Office Automation Specialist and \$135,300 to hire 3 contractors. These positions will receive and track the FOIPA requests, maintain the electronic case tracking system, eliminate the backlog of FOIPA requests, create form letters, scan documents into an electronic format, and provide general administrative support to the FOIPA staff. The case tracking system is a critical tool that the FOIPA staff uses to compile very detailed information for an annual report to the Attorney General and it is essential that the information contained in the system is accurate.

NAME OF PROGRAM: Protection of the Judicial Process		PERFORMANCE TARGETS AND ACTUAL RESULTS							
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	1993 Actual	1994 Actual	1995 Actual	1996 Actual	1996 Target	1997 Target	1998 Target	
Input	1 Number of Prisoners Received	94,373	92,372	94,498	96,905	96,905	101,211	103,538	
	2 Number of new principal witnesses received	14,527	14,516	14,844	15,032	15,032	15,702	16,324	
	3 Cumulative witness program participants (including family)	134,987	110,148	116,183	124,628	124,628	132,595	141,008	
	4 Number of criminal trial bench hours	142,789	146,453	140,205	131,503	131,503	123,341	115,085	
	5 Number of civil trial bench hours	180,320	146,676	159,882	172,059	172,059	188,354	201,835	
	6 Number of bench hours from other proceedings	510,057	517,387	512,741	508,127	508,127	503,554	499,023	
	7 Number of magistrate proceedings								
Output/Activity	8 Number of threats to the Judiciary received	247	210	177	179	179	200	200	
	9 Number of judicial conferences protected	28	32	42	62	62	70	70	
Intermediate Outcome	10 Number of witness vouchers processed	30,723	31,059	32,147	31,600	31,600	36,460	37,864	
	11 Average daily prisoner population	19,641	19,297	20,852	23,374	23,374	28,500	30,000	
	12 Number of prisoner productions for trials	114,866	98,708	103,336	112,224	112,561	117,835	123,958	
End Outcome	13 Number of all other prisoner productions	272,218	255,175	244,465	265,425	268,272	278,687	292,700	
	14 Number of prisoner escapes	0	0	0	0	0	0	0	
	15 Number of judges, magistrates, attorneys, or other members of the court family harmed while under USMS protection	0	0	0	0	0	0	0	
	16 Number of program witnesses harmed (while following program guidelines)	0	0	0	0	0	0	0	
A. Definitions of Terms or Explanations for Indicators									
4, 7 AOUSC will not provide projections. Projections for FY 98, 97, 96 are a percentage increase or decrease between the two previous fiscal years.									
1, 11, 12, and 13: Workload statistics for Prisoner Services are driven by the Judiciary and therefore, little or no discretion is available to the USMS in performance of these duties.									
B. Factors Affecting FY 98 Program Performance									
3 Results are internally driven by the sponsorship of witness into the Witness Security Program by investigating agencies (DEA, FBI) and by the authorization of these witnesses by the Criminal Division into the Program									
6 Increase is due to the increase in the number of prosecutors, trials, and criminal history filings									
11 Increase is as a direct result of departmental law enforcement and prosecutorial initiatives									

NAME OF PROGRAM: Justice Prisoner and Alien Transportation System (JPATS)		PERFORMANCE TARGETS AND ACTUAL RESULTS					
PERFORMANCE INDICATOR INFORMATION		1983 Actual	1984 Actual	1985 Actual	1986 Actual	1987 Target	1988 Target
Type of Indicator	Performance Indicators						
Input	1. Number of prisoners received for all transportation	75,748	66,107	70,728	86,218	102,889	116,441
Output/Activity	2. Number of USMS detainees moved to destination	92,384	90,178	92,405	99,244	104,311	108,827
	3. Number of ICE criminal aliens moved to destination	28	5	12,254	31,217	25,000	25,000
	4. Number of ICE civil aliens moved to destination	21,967	94,812	18,000	18,000	18,000	18,000
	5. Number of State and Local prisoners moved to destination	1,278	3,583	4,898	6,398	8,824	8,824
	6. Number of military prisoners moved to destination	122	192	128	131	124	124
Intermediate Outcome	7. Number of flights by large and small jets that were from under full capacity	0	0	0	0	0	0
End Outcome	8. Number of complaints on timeliness received from customers	0	0	0	0	0	0
	9. Number of complaints from all categories of prisoners	0	0	0	0	0	0
	10. Number of staff injuries	0	0	0	0	0	0
	11. Number of staff deaths	0	0	0	0	0	0
A. Definitions of Terms or Explanations for Indicators:							
1 and 8. Moved by air only.							
2. Full capacity means that 85% or more of the seats are occupied or designated with a purpose includes some seats that may be vacant in order to separate males and females, or adults from juveniles, but would not include seats that are not occupied due to a shortage of prisoners. The figures above indicate that, to the date, flights are not scheduled until full capacity is reached.							
3. This indicator is not used for the purpose of the JPATS program. It is included here for information only. The actual information contained in the table above reflects the recollection and information from staff notes of all JPATS employees, including management.							
4. The prisoner (left type) was late for the intended hearing, trial, meeting, etc. due to transportation problems.							
5. Through 11, are new categories of information to be collected in the future. The actual information contained in the table above reflects the recollection and information from staff notes of all JPATS employees, including management.							
B. Factors Affecting FY 87 Program Performance:							
2. Increase as a result of the 484/USMS merger (workload represents full year for FY 86 and half year for FY 87)							
7. Through 11, it is difficult to predict the effects of carrying the additional responsibility for the phone and prisoner movements will have on the performance. These items may not hold true to the performance reports to date, but the USMS is assuming the load.							
C. Factors Affecting Selections of FY 87 and 88 Targets:							
2 and 3. Increase due to continued border initiatives and other initiatives							
Note: Actual figures for FY 1984 and FY 1985 have changed from the FY 1984 USMS Budget Estimates to OMB as a result of an internal management review.							

NAME OF PROGRAM: Fugitive Apprehension											
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS								
Type of Indicator	1983 Actual	1984 Actual	1985 Actual	1986 Actual	1986 Target	1987 Target	1988 Target				
Input	Performance Indicators										
	1. DEA warrants received										
	2. Warrants for escaped federal prisoners										
	3. Warrants for bond default, probation, or parole violations										
Output/Activity	4. International extraditions										
	5. Number of Class 1 Investigations										
	6. Number of Class 1 Investigations supported by Electronic Surveillance Unit (ESU) technicians										
	7. Number of backlogged Class 1 Investigations cleared										
Intermediate Outcome	8. Number of USAMS arrests on DEA warrants										
	9. Number of USAMS arrests on warrants involving escape or c. respiratory prohibition, or parole violations										
	10. Number of USAMS arrests/closes on other felony warrants										
	11. Number of USAMS arrests/closes on misdemeanor warrants										
End Outcome	12. Foreign fugitives apprehended in U.S.										
	13. Percent of Class 1 Investigations completed by ESU technicians										
	14. Percent of Class 1 Investigations resulting in successful warrant execution										
	15. Percent of Class 1 warrants closed (including all received and backlogged)										

NAME OF PROGRAM: Secured Assets Management		PERFORMANCE TARGETS AND ACTUAL RESULTS									
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS									
Type of Indicator	Performance Indicators	1983 Actual	1984 Actual	1985 Actual	Actual	1986 Estimate	1987 Target	1988 Target			
Input	1 Total real properties seized	2,130	763	863	700	700	800	800			
	2 Total personal properties seized (including cash and financial instruments)	38,298	31,139	32,315	28,000	28,000	28,000	28,000			
Output/Activity	3 Total real properties disposed	2740	2,402	1,532	1,400	1,400	1,400	1,400			
	4 Total personal properties disposed (including cash and financial instruments)	41,798	38,463	31,815	30,000	30,000	30,000	30,000			
Intermediate Outcome	5. Invalid CATEs in all districts	---	---	20 districts	74 districts	74 districts	---	---			
End Outcome	Real Properties 6 Average length of time real foreclosure to disposition of real properties (in days) 7. Of foreclosed real properties pending disposition, -Percent which have been foreclosed for less than or equal to 12 months 8 Of the foreclosed real properties disposed -Percent disposed of less than or equal to 12 months after foreclosure 9. Of the foreclosed real properties disposed of greater than 12 months after foreclosure Personal Properties 10 Of foreclosed personal properties pending disposition, -Percent which have been foreclosed for less than or equal to 120 days 11 Of foreclosed personal properties disposed, -Percent disposed of greater than 120 days after foreclosure 12. Number of properties sold for less than 80% of appraised value 13. Percent of proceeds sold for less than 80% of appraised value	308 54% 42% 71% 29% 59% 41% 47% 53% 3,779 39%	350 42% 58% 62% 42% 68% 34% 21% 79% 8,868 38%	402 44% 54% 61% 38% 70% 30% 28% 74% 4,462 33%	366 75% 25% 86% 34% 75% 25% 25% 75% 4,166 33%	366 75% 25% 86% 34% 75% 25% 25% 75% 4,166 33%	366 75% 25% 86% 34% 75% 25% 25% 75% 4,166 33%	366 75% 25% 86% 34% 75% 25% 25% 75% 4,166 33%			

A Factors Affecting FY 86 Program Performance	
2	The drop in real estate seizures is largely due to a December 1983 Supreme Court Decision (U.S. v. David Good) that allows a claimant to request a pre-seizure hearing before the taking of any occupied property. This decision has caused a significant drop in the number of seizures. In addition, the USMS no longer has jurisdiction over the post seizure management and disposition of IRS, ATF, and Secret Service judicial seizures. In addition to the David Good decision, where a lower court ruling on double jeopardy and incomplete time issues has slowed the volume of civil forfeiture. Once the Supreme Court rules on these lower court decisions (expected in late FY 86), seizures would should increase.
12	The drop in real estate seizures is largely due to a December 1983 Supreme Court Decision (U.S. v. David Good) that allows a claimant to request a pre-seizure hearing before the taking of any occupied property. This decision has caused a significant drop in the number of seizures. In addition, the USMS no longer has jurisdiction over the post seizure management and disposition of IRS, ATF, and Secret Service judicial seizures. In addition to the David Good decision, where a lower court ruling on double jeopardy and incomplete time issues has slowed the volume of civil forfeiture. Once the Supreme Court rules on these lower court decisions (expected in late FY 86), seizures would should increase.
B Factors Affecting Selection of FY 87 and 88 Targets	
Same as above	

NAME OF PROGRAM: D.C. Superior Court		PERFORMANCE TARGETS AND ACTUAL RESULTS									
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS									
Type of Indicator	Performance Indicators	1993 Actual	1994 Actual	1995 Actual	1996 Actual	1997 Estimate	1997 Target	1998 Target	1999 Target	2000 Target	2001 Target
Input	1 Criminal Judicial Proceedings	31,328	29,236	29,500	30,000	30,000	30,000	30,000	30,000	30,000	30,000
	2 Fugitive Class 1 Warrants	6,353	4,386	4,586	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Output/Activity	3 Prisoners held in detention cells	88,129	92,862	70,266	80,500	80,500	85,000	85,000	85,000	85,000	85,000
	4 Fugitives apprehended	481	370	433	500	500	500	500	500	500	500
Intermediate Outcome	5 Number of attempted escapes	10	16	3	3	3	3	3	3	3	3
	6 Number of actual escapes	0	0	0	0	0	0	0	0	0	0
	7 Number of attempted suicides	0	0	0	0	0	0	0	0	0	0
	8 Number of actual suicides	0	0	0	0	0	0	0	0	0	0
End Outcome	9 Percent of criminal proceedings meeting minimum acceptable USAM security standards	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%
	10 Percent of time when cell block staffing meets USAM minimum security standards	60%	80%	80%	80%	80%	80%	80%	80%	80%	80%
	11 Percentage of time when courtroom holding cell staffing meets USAM minimum security standards	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%
A. Definitions of Terms or Explanations for Indicators											
9 The District cannot meet the USAM standard of producing a prisoner with two Displaces for security and hearing at least one being armed with number of Displaces allocated											
B. Factors Affecting FY 98 Program Performance											
3 Prisoners down due to decreased arrest by D.C. Metropolitan Police Department because of budget cuts											
4 Increase resulted from more deputies assigned to capture fugitives											
5 Decrease resulted by more guards being hired to assist in handling prisoners in lieu of having enough personnel											
USAM Operational personnel resources in this district are stretched to limit and all operations are impacted as a result of the District's efforts to perform its missions and provide judicial security											
C. Factors Affecting Selection of FY 97 and 98 Targets											
No new positions were allocated for FY 98, so the status quo would likely be maintained. With increased resources in FY 97, a significant increase in results is anticipated											

NAME OF PROJ unit: Service of Legal Process									
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1983 Actual	1984 Actual	1985 Actual	Actual	1986 Estimate	1987 Target	1988 Target	
Input	1. Legal Process and Court Orders received 2. Fees and Commissions Collected (in thousands)	270,712 \$3,198	243,780 \$3,452	188,509 \$3,500	245,000 \$3,500	245,000 \$3,500	240,000 \$3,500	240,000 \$3,500	
Output/Activity	3. Number of abortion clinic/personal protection 4. Number of minutes spent PTEs interviewed 5. Number of all other interviews completed for legal process	0 0 181	24 142	9 137	0 0 137	0 0 137	0 0 137	0 0 137	
Intermediate Outcome	6. Legal Process and Court Orders served 7. Number of Debts Collected, contracted, or cleared	234,181 883	221,387 780	176,706 795	240,000 296	240,000 296	240,000 296	240,000 296	
End Outcome	7. Percent of debt collected, contracted, or cleared (against amount received for collection)	24%	91%	20%	25%	25%	25%	25%	
A. Definitions of Terms or Explanations for Indicators:									
2. On July 30, 1984, DOJ ordered USMS to provide 24-hour protection at 24 abortion clinics in 14 districts. By November 23, 1984, the Attorney General authorized withdrawal of protective details and began scaling back details. This is a crisis generated initiative.									
5. The amount includes not only debt collected, but also debt that is gradually relieved over time through payment plans, pay withholding, etc. and it also includes those debts cleared by the U.S. Attorney after investigation by the USMS.									

NAME OF PROGRAM: Training		PERFORMANCE TARGETS AND ACTUAL RESULTS										
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS										
Type of Indicator	Performance Indicators	1983 Actual	1984 Actual	1985 Actual	1986 Actual	1987 Estimate	1988 Target	1989 Target	1990 Target			
Input	1 Initial Workgroup Allocation (in thousands) 2 Adjustments to Workgroup (in thousands)	\$1,526 \$193	\$796 \$418	\$1,274 \$862	\$1,271 \$866	\$1,200 \$922	\$1,340 \$940					
Output/Activity	4 Number of new recruits a Number of US&S employees trained by traditional classroom methods b Administrative c Operational d Court Security Officer (funded by AOUSC) e State and Local f Number of US&S employees trained by alternative methods g Number of days students were in training	80 429 429 118 190 234 248 18,078	70 151 146 156 234 354 3,264 17,774	153 168 146 83 418 310 27,182	237 241 241 133 400 126 36,771	240 170 170 182 284 212 38,738	240 170 170 182 284 212 38,738	240 170 170 182 284 212 38,738	240 170 170 182 284 212 38,738	240 170 170 182 284 212 38,738		
Intermediate Outcome	8 Average cost per student trained by traditional methods 9 Average cost per student trained by alternative methods		\$773 \$6	\$860 \$663	\$1,268 \$425	n/a n/a	\$1,268 \$425	n/a n/a	n/a n/a			
End Outcome	10 Percent of US&S operational employees at minimum acceptable level of training for grade and position a Basic Density for New Recruits b Operational (Admission/Recruitment Training) c Management 11 Percent of employees who perceived the training useful at the completion of their training		94% 97% 95% 100%	97% 97% 98% 100%	97% 97% 98% 100%	97% 97% 98% 100%	97% 97% 98% 100%	97% 97% 98% 100%	97% 97% 98% 100%			
A. Definitions of Terms or Explanations for Indicators												
2 Reflects training costs for deputy recruits from position cost model												
3 Traditional training involves training conducted in a classroom setting												
4a Training Academy provides training instructions only												
5 Alternative training is provided to US&S employees of regional sites throughout the U.S. and training delivered by other means than in a classroom setting. For example, instructional videos and												

B. Factors Affecting FY 96 Program Performance	
5b.	The Academy continued its efforts to provide operational personnel, who have a minimum of three years of field experience, a two-week training course in firearms skills, personal protection, stress control, officer survival, and EEO. The introductory training program was implemented to ensure that all district operational employees received refresher training every three years.
6.	An alternative training program was provided to operational managers in selected training sites around the country to provide them with updates on topical issues and methodology to plan for out-year performance.
7.	In addition to classroom training, one major cost effective training tool that the Training Academy has used is producing and distributing video training tapes to the field and headquarters offices. In FY 1994, the Academy produced and disseminated a video to USAMC employees alerting them to the risks of bloodborne pathogens.
C. Factors Affecting Selection of FY 97 and FY 98 Targets	
8.	Statistics may not be employees who received two different types of training in the same year.

NAME OF PROGRAM: ADP and Telecommunications									
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	JMS Actual	JMS Actual	JMS Actual	JMS Actual	JMS Actual	JMS Actual	JMS Actual	JMS Actual
Input	1. Number of JIST and NLETS messages	291,450	297,511	305,750	312,800	312,800	312,800	312,800	312,800
	2. Number of Helpdesk calls for ADP help	6,214	6,770	6,566	6,882	6,882	6,882	6,882	6,882
Output/Activity	3. Number of HOC alerts and the	19,796	11,160	11,546	12,000	12,000	12,000	12,000	12,000
	4. Number of HOC alerts successfully completed	19,796	11,160	11,546	12,000	12,000	12,000	12,000	12,000
	5. Number of narrow band radios purchased and programmed	0	0	0	144	144	144	144	144
	6. Number of narrow band radios	0	0	0	144	144	144	144	144
	7. Number of narrow band radios	0	0	0	40	40	40	40	40
	8. Number of new phone systems installed	17	22	36	80	80	80	80	80
Intermediate Outcome	7. Number of districts and HQ offices with local area networks added	0	1	0	30	30	30	30	30
	8. Number of districts with E-mail capability	880	1,300	4,047	4,177	4,177	4,177	4,177	4,177
End Outcome	9. Number of districts meeting minimum narrowband radio standard (set by NTA and RMC)	0	0	0	0	0	0	0	0
A. Definitions of Terms or Explanations for Indicators:									
B. This figure only includes new and renewed court cases that require new phone systems installed. It excludes other District projects, such as upgrading or changing out systems.									
C. Federal Adjudicating Program Performance:									
D. Increase due to handling more DEA and United States Marshals Service cases.									
E. Increase due to handling more DEA and United States Marshals Service cases.									
F. FY 97 purchases reflect those radios which would be purchased with base increased funding, working toward the goal of replacing all current equipment with mandated narrowband systems.									
G. Increase related to the information and contracting set of help desk support services. USMS personnel will focus on network installation and support.									
H. This item was not funded.									

United States Marshall Service
Salaries and Expenses
Financial Management Changes
(Dollars in Thousands)

Item	Protection of Social Process		JPATS		Fugitive Apprehension		ADP and Telecom-		Management and Administration		Total	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
GS-15 Administrative	48	2,289			40	1,882	2	112	1	88	1	88
GS-13 Administrative	10	473							1	56	3	168
GS-12 Operational	4	108							1	47	11	520
GS-7 Administrative									1	27	5	133
Total Positions & Annual Rate	62	2,848	0	0	40	1,882	2	112	4	218	108	5,070
Lapse	(16)	(1,424)			(20)	(948)	(1)	(56)	(2)	(109)	(39)	(2,555)
Other personnel compensation	5	368			4	318		4		8	8	698
Special Personal Service payments		218										218
Total Workyears and personnel compensation	51	2,041	0	0	24	1,262	1	60	2	117	78	3,480
Personnel Benefits		897			0	672		17		48		1,634
Travel		505			0	399		8		11		821
Transportation of Things		477			0	412		1		1		801
Other Benefits		1,255			0	413		21		41		1,730
Comm. U.S. and		143			0	86		4		9		242
Miscellaneous Chgs		18			0	12		1		1		33
Printing		1,024			500	789		7		150		2,470
Other Services		90			0	66		1		2		181
Supplies & Materials		4,998			0	1,032		2,018		33		8,077
Equipment												
Total workyears & obligations changes requested, 1988	51	11,417	0	500	24	5,145	1	2,134	2	413	78	18,608

United States Marshall Service
Salaries and Expenses
Priority Ranking
Fiscal Year 1998

BASE PROGRAM		PROGRAM INCREASES	
Program	Ranking	Program	Ranking
Protection of the Judicial Process	1	Courthouse Security	1
Justice Prisoner and Alien	2	Courthouse Project Equipment	2
Transportation System (JPATS)	3	DUSMs for Fugitive Apprehension	3
Fugitive Apprehension	4	WITSEC New York Metro Inspectors	4
Seized Asset Management	5	WITSEC Administrative Banking Positions	5
D.C. Superior Court	6	JPATS Program - Oversight and Analytical	6
Service of Legal Process	7	Capabilities	7
Training	8	Radios	8
ADP and Telecommunications	9	Electronic FOIA	
Management and Administration			

United States Marshall Service
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996		1997		1998	
	Authorized	Balanceable	Auth.	Balance	Transfers*	Auth.
Attorneys (900)	25	—	25	—	—	25
Other Legal & Related (900-999)	45	—	45	—	—	45
Classified Investigators (1111)	5,111	31	5,194	31	30	5,094
Other Main Component (901-999)	158	4	158	4	—	158
Legal Personnel, Supervisors and Related (1100-1199)	3	—	3	—	—	3
Personnel Management (200-299)	45	—	45	—	—	45
Special Agents, Classified and Other Services (300-399)	799	36	794	36	19	799
Accounting and Budget (500-599)	120	—	117	—	—	117
Police Chief and Police (600-699)	1	—	1	—	—	1
Supervisors and Administrators (700-799)	9	—	9	—	—	9
Information & Arts (800-899)	54	—	55	—	—	55
Business & Industry (1100-1199)	1	—	1	—	—	1
Library & Archives (1400-1499)	3	—	3	—	—	3
Engineering, Planning, and Information Group (1500-1599)	3	—	3	—	—	3
Education Group (1700-1799)	3	—	3	—	—	3
Classified Investigators Series (1800-1899)	23	—	23	—	—	23
People Group (2000-2099)	6	—	6	—	—	6
Transportation Group (2100-2199)	33	—	32	—	—	32
Prison Guards	6	—	6	—	—	6
Total	5,020	71	4,134	71	148	4,144
Washington*	489	31	489	31	14	479
U.S. Field	5,030	39	3,645	39	34	3,694
Foreign Field	1	—	1	—	—	1
Total	5,020	71	4,134	71	148	4,144

*This transfer column represents positions transferred to VCS.

**Positions in United States Marshall

**Category for personnel in Washington, D.C. represents only people performing Washington functions.

United States Marshals Service
Salaries and Expenses
Summary of Law Enforcement and Support Positions by Category
(Dollars in Thousands)

Appropriated Positions	1997 Appropriation Anticipated						1998 Program Changes						1998 Request Level					
	US Marshal			Non-Law Enforcement			Deputy U.S. Marshal			Non-Law Enforcement			US Marshal			Non-Law Enforcement		
	Pos.	FTE	Pct.	Pos.	FTE	Pct.	Pos.	FTE	Pct.	Pos.	FTE	Pct.	Pos.	FTE	Pct.	Pos.	FTE	Pct.
Deputy U.S. Marshal	138	140	75	412	2,300	2,374	711	140	14	18	64	138	1,707	1,742	569	494	2,298	2,226
Protection of the Judicial Process	138	140	75	412	2,300	2,374	711	140	14	18	64	138	1,707	1,742	569	494	2,298	2,226
APRIS	138	140	75	412	2,300	2,374	711	140	14	18	64	138	1,707	1,742	569	494	2,298	2,226
Flight Attendants	138	140	75	412	2,300	2,374	711	140	14	18	64	138	1,707	1,742	569	494	2,298	2,226
Flight Attendants Management	138	140	75	412	2,300	2,374	711	140	14	18	64	138	1,707	1,742	569	494	2,298	2,226
D.C. Superior Court	138	140	75	412	2,300	2,374	711	140	14	18	64	138	1,707	1,742	569	494	2,298	2,226
Service of Legal Process	138	140	75	412	2,300	2,374	711	140	14	18	64	138	1,707	1,742	569	494	2,298	2,226
Training	138	140	75	412	2,300	2,374	711	140	14	18	64	138	1,707	1,742	569	494	2,298	2,226
ADP / Telecommunications	138	140	75	412	2,300	2,374	711	140	14	18	64	138	1,707	1,742	569	494	2,298	2,226
Management and Administration	138	140	75	412	2,300	2,374	711	140	14	18	64	138	1,707	1,742	569	494	2,298	2,226
TOTAL	3,808	3,840	1,516	1,044	4,104	3,907	1,071	139	26	28	103	6	3,279	3,320	1,336	1,068	4,108	3,915

Reimbursable Positions

Reimbursable Positions	1997 Appropriation Anticipated						1998 Program Changes						1998 Request Level					
	US Marshal			Non-Law Enforcement			Deputy U.S. Marshal			Non-Law Enforcement			US Marshal			Non-Law Enforcement		
	Pos.	FTE	Pct.	Pos.	FTE	Pct.	Pos.	FTE	Pct.	Pos.	FTE	Pct.	Pos.	FTE	Pct.	Pos.	FTE	Pct.
Deputy U.S. Marshal	4	4	50	30	34	34	4	4	50	30	34	34	4	4	50	30	34	34
Protection of the Judicial Process	4	4	50	30	34	34	4	4	50	30	34	34	4	4	50	30	34	34
APRIS	4	4	50	30	34	34	4	4	50	30	34	34	4	4	50	30	34	34
Flight Attendants	4	4	50	30	34	34	4	4	50	30	34	34	4	4	50	30	34	34
Flight Attendants Management	4	4	50	30	34	34	4	4	50	30	34	34	4	4	50	30	34	34
D.C. Superior Court	4	4	50	30	34	34	4	4	50	30	34	34	4	4	50	30	34	34
Service of Legal Process	4	4	50	30	34	34	4	4	50	30	34	34	4	4	50	30	34	34
Training	4	4	50	30	34	34	4	4	50	30	34	34	4	4	50	30	34	34
ADP / Telecommunications	4	4	50	30	34	34	4	4	50	30	34	34	4	4	50	30	34	34
Management and Administration	4	4	50	30	34	34	4	4	50	30	34	34	4	4	50	30	34	34
TOTAL	31	31	40	40	71	71	31	31	40	40	71	71	31	31	40	40	71	71

United States Marshall Service
Salaries and Expenses
Summary of Change
(Dollars in Thousands)

	Perm. Pos.	Work- Years	Amount
1997 Appropriation As Enacted			457,485
HDTA Transfer	4,124	3,907	240
1997 Appropriation Anticipated	4,124	3,907	457,735
Transfer To And From Other Accounts:			
*Holding Cell Base Funding from Bureau of Prisons			2,300
Special Assignments Base Funding to USMS Violent Crime Reduction Program (VCRP)			(3,056)
Courthouse Personnel Base Funding to USMS VCRP	(126)	(126)	(6,658)
Equipment Base Funding to USMS VCRP			(2,589)
Increases (Automatic, Non-Policy):			
1998 pay raise			5,889
Annualization and Increase of 1997 pay raise			1,949
Foreign Allowances			1
Annualization of 1997 positions		65	783
Accident compensation			215
Travel mileage allowance rate increase			6
Correspondence Management System			16
Investigative/Research			14
General pricing level adjustments			828
Spectrum Frequency Management			107
Northern Marianas Islands		1	155
Total, Increases		65	10,043
Decrease:			
Non-Recurring HDTA Transfer			(240)
1998 Base	3,908	3,947	455,635
Program Changes	108	59	19,809
1998 Estimate	4,108	3,916	475,244

United States Marshals Service
Justification of Adjustments to Base
(Dollars in thousands)

Transfers:	Pos.	NY	Amount
1. Construction Funding for Detention Space: . . . . .	...	...	\$2,300
Base funding for construction related to U.S. Marshals Service detention space projects is being transferred from the Bureau of Prison's Building and Facilities appropriation to the U.S. Marshals Service's appropriation.			
2. Special Assignments: . . . . .	...	...	(3,056)
Base funding for Special Assignments is being transferred to the Violent Crime Reduction Program (VCRP) appropriation for the U.S. Marshals Service. Details relating to judicial protection and investigative services will be charged to VCRP.			
3. Base Funding Transfer:	(126)	(126)	(8,558)
The base funding related to 126 positions is being transferred from the U.S. Marshals Service Salaries and Expenses appropriation to the VCRP appropriation.			
4. Equipment Transfer: . . . . .	...	...	(2,589)
Costs related to equipment, guard costs, and other court security related costs are being transferred to the U.S. Marshals Service's VCRP appropriation.			
Total Transfers:	(126)	(126)	(\$11,903)
<u>Increase Automatic non-policy:</u>			
1. 1998 Pay Raise . . . . .	...	...	\$5,969
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the 1998 President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$5,969,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$4,507,000 for pay and \$1,462,000 for benefits = \$5,969,000).			

2. Annualization of 1997 Pay Raises 1,949

This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested \$1,949,000, represents the pay amounts for the first quarter of the year plus appropriate benefits (\$1,472,000 for pay and \$477,000 for benefits).

3. Annualization of 169 Additional Positions Approved in 1997 783

This provides for the annualization of 169 additional positions provided in 1997 Congressional Action for the Extension of the Judicial Program. This request includes nonrecurring costs for one-time items associated with the increased positions.

	Approved 1997 Increases	Annualization Required
Annual salary rate of 169 approved positions	\$7,076	\$5,548
Less lapse (50%)	(7,575)	(2,774)
Net Compensation	4,401	2,774
Associated employee benefits	2,890	910
Other (non-personnel)	792	863
Travel	1,499	646
Transportation of Things	452	(38)
GSA Rent	1,026	(207)
Communications/Utilities	420	280
Printing/Reproduction	41	28
Other Services	2,850	(1,338)
Supplies/Materials	278	167
Equipment	4192	(3,302)
Total costs subject to annualization	\$18,841	\$783

4. <u>Foreign Allowances</u>	1
Allowances for government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$1,000 provides a 1.7 percent increase over the obligations of \$58,824, which are committed for 1998.	
5. <u>Accident Compensation</u>	215
This increase reflects the billing provided by the Department of Labor for the actual costs in 1996 of employees' accident compensation, which will be billed in 1998. The 1998 increased cost will be \$215,000.	
6. <u>Mileage Allowance Rate Increase</u>	6
The mileage allowance rate has increase from 30 cents to 31 cents per mile. An increase of \$6,000 is requested in 1998 to cover this rate adjustment.	
7. <u>Correspondence Management System</u>	16
An increase of \$16,000 is required in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. This new system provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved recordkeeping, and improved reporting capability.	
8. <u>Investigation/Reinvestigation</u>	14
Executive Order 10450 "Security Requirements for Government Employees" requires that appointments of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. Additional funding is required to cover the costs of additional contractor support needed to ensure timely compliance with this Executive Order. It is critical to accommodate the Department's security requirements by ensuring investigations and reinvestigations are timely initiated on newly appointed civilian officers and employees.	
9. <u>Spectrum Frequency Management</u>	107
Public Law 104-134 authorizes the Secretary of Commerce to charge federal agencies for spectrum management services. The National Telecommunications and Information Administration estimates that the Department of Justice costs for 1998 will be \$723,000 based on the annual number of frequency assignments. Given the dependence of the Department's law enforcement operations on efficient and dependable	

frequency management, this funding is necessary to continued operations. Funding of \$107,000 is requested for U.S. Marshals Service.

10. Northern Mariana Islands 1 155

Prior to 1999, the Department of Interior reimbursed the Department of Justice for the costs of addressing serious crime problems in the Commonwealth of the Northern Mariana Islands (CNMI). However, beginning in 1999, reimbursement of these costs will not be available. Funding of \$155,000 is requested to maintain current efforts in CNMI.

11. General Pricing Level Adjustments 828

This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.

Total Increases 66 10,043

Nonrecurring decrease associated with High Intensity Drug Trafficking Area

JHDTA transfer (240)

This reflects the decrease associated with the 1997 transfer of HDTA resources. Any transfers for 1998 have not yet been determined.

Total, Adjustments to Base (60) (92,100)

United States Marshall Inc. Co.
 Services and Treatment
 Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

Grade and Salary Range	1974 Actual			1977 Request			1978 Request			Increase/Decrease		
	Positions & Workyears	Amount		Positions & Workyears	Amount		Positions & Workyears	Amount		Positions & Workyears	Amount	
Executive Level IV, \$115,700	1			1			1					
EA-4, \$123,100	1			1			1					
EA-5, \$123,100	1			1			1					
EA-4, \$119,850	1			1			1					
EA-5, \$115,751	3			3			3					
EA-5, \$115,751	3			3			3					
Special Level \$108,200	10			10			10					
OS-15, \$75,935-96,183	161			161			162			1		
OS-15, \$64,535-81,770	155			155			155					
OS-15, \$54,629-69,196	579			579			576			3		
OS-12, \$45,939-58,195	1,305			1,493			1,466			(27)		
OS-11, \$34,330-48,553	519			548			548					
OS-10, \$24,877-44,119	7			7			7					
OS-9, \$21,480-40,129	397			425			425					
OS-8, \$18,614-35,365	459			48			48					
OS-7, \$15,893-31,804	48			48			48					
OS-5, \$10,905-26,486	113			113			113					
OS-4, \$11,647-23,675	8			8			8					
OS-3, \$16,447-31,086	1			1			1					
1997 Pay Rate					5,888			5,888				
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United States Marshall Service
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1996 Actual		1997 Request		1998 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Pull-down personnel.....	3,537	103,165	3,432	193,844	3,139	201,547	7	7,643
11.3 Other than Pull-down personnel.....	122	9,446	75	5,844	77	6,045	2	161
11.5 Other personnel compensation.....	723	40,161	520	28,943	509	28,229	(11)	(816)
11.8 Special personnel services payments.....		2,113		5,466		5,493		33
Total, workyears and personnel compensation.....	4,381	211,889	4,037	234,179	4,435	241,419	0	2,240
Reimbursable workyears:								
Pull-down personnel.....	71		71		71			
Other than personnel.....								
Other Object Classes								
13.0 Personnel benefits:	40,071		76,137		76,141			2,854
13.0 Benefits to Former Personnel.....	337		204		209			5
21.0 Travel and Transportation of persons.....	21,324		22,333		22,097			(236)
23.0 Transportation of Things.....	1,043		1,470		2,026			566
23.1 GSA Tax.....	36,034		56,194		60,273			4,079
23.2 Rental Payments to Others.....	2,794		2,184		2,246			62
23.3 Comm., Util., & Other Misc. Charges.....	13,041		18,173		19,392			519
24.0 Printing and Reproduction.....	636		783		832			49
25.1 Advisory and Analyses Services.....	23,079		24,741		24,467			(274)
25.3 Purchase of Goods & Inv From Govt Accts.....								
26.0 Supplies & Materials.....	14,081		11,428		10,825			(603)
31.0 Equipment.....	26,649		8,544		12,254			3,710
41.0 Grants, Subsidies & Contributions.....	2							
42.0 Insurance Claims and Indemnities.....	132		53		53			
43.0 Interest on b.e.s. pay.....								
Total obligations.....	4,453	433,248	4,498	457,173	4,496	475,244	0	18,071
Unobligated balance start-of year.....		1,194		562				(562)
Unobligated balance end-of year.....		(562)						
Unobligated balance expiring.....								
Total requirements.....		433,880		457,735		475,244		
Balance of obligations to outlays.....								
Total Obligations.....		433,248		457,173		475,244		
Obligated balance start-of year.....		65,990		87,640		131,781		
Obligated balance end-of year.....		(97,640)		(131,781)		(132,890)		
Adjustment in signed accounts.....		(7,257)						
Outlays.....		394,241		413,032		478,135		

**United States Marshall Service
Acquisition and Expenses
Schedule of Motor Vehicles**

Method of Acquisition and Type of Vehicle	1995			1996			1997			1998		
	End-of Year Inventory	Acquired	Disposed	End-of Year	Acquired	Disposed	End-of Year	Acquired	Disposed	Average Costs	Acquired	Disposed
Purchases												
Large min.	835	184	60	949	211	130	1,010	304	20,680	304	304	1,010
Medium min.	46	12	0	78	41	46	96	0	16,850	0	0	96
Subcompact min.	197	36	2	231	122	50	303	0	22,230	0	0	303
Suvs/minivans or 4WD	133	18	1	150	35	10	175	0	22,600	0	0	175
Van	12	0	0	12	0	0	12	0	35,000	0	0	12
Rebated Purchased	1,233	250	63	1,428	479	258	1,599	304	24,188	304	304	1,599
Leases												
Large min.	314	11	53	272	11	158	125	148	148	148	148	125
Medium min.	224	7	56	175	7	131	51	119	119	119	119	51
Compact min.	34	0	3	21	0	5	16	2	2	2	2	16
Subcompact min.	32	0	0	32	0	0	32	0	0	0	0	32
Suvs/minivans	230	0	0	230	0	0	230	0	0	0	0	230
Van	12	0	0	12	0	0	12	0	0	0	0	12
Special Purpose	85	18	18	85	18	36	77	24	24	24	24	77
4 wheel drive	2	1	1	2	1	0	2	0	0	0	0	2
Pickup	933	85	182	836	85	428	483	485	N/A	485	485	483
Rebated Leased												
Large min.	2	0	0	2	0	0	2	0	0	0	0	2
Medium min.	28	7	7	28	7	9	26	16	16	16	16	28
Compact min.	71	34	12	93	34	15	112	13	13	13	13	114
Subcompact min.	86	18	10	94	18	9	103	15	15	15	15	103
Suvs/minivans	47	15	4	58	15	4	69	11	11	11	11	69
Vans/minivans	6	0	1	5	0	0	5	0	0	0	0	5
Autobuses	1	1	0	2	1	1	0	3	0	0	3	0
Bus	112	33	6	129	33	18	134	22	22	22	22	132
Special Purpose	119	4	1	22	4	3	23	6	6	6	6	21
4 wheel drive	70	9	2	77	9	8	78	4	4	4	4	78
Truck	5	0	0	5	0	0	5	0	0	0	0	5
Pickup	70	9	2	77	9	8	78	4	4	4	4	78
Other	5	0	0	5	0	0	5	0	0	0	0	5
Rebated Leased and Excess	432	114	43	523	114	68	569	96	N/A	96	113	547
Total Vehicles	2,468	449	286	2,769	638	746	2,651	799	N/A	799	811	2,639

United States Marshall Service
Salaries and Expenses
Schedule of Aircraft

Type of Aircraft (Passenger Capacity)	FY 1995 End-of-Year Inventory	FY 1996			FY 1997			FY 1998		
		Acquired	Disposed	End-of- Year	Acquired	Disposed	End-of- Year	Acquired	Average Cost	End-of- Year
Purchased										
Jet Engine (120)	1	1		2			2			2
Jet Engine (10)										
Turbo Prop (10)										
Subtotal purchased	1	1		2			2			2
Leased										
Jet Engine (120)										
Subtotal leased										
Seized, no cost for- feited, or surplus										
Fixed wing										
Single-Engine (3)	1			1			1			1
Twin-Engine (6)	2		1*	1			1			1
Turbo Prop (50/20)	0	3	1**	2			2			2
Jet Engine (120/75)	1	1		2			2			2
Jet Engine (6)	0			0			0			0
Jet Engine (8)	0	1		1			1			1
Jet Engine (10)	4			4			4			4
Subtotal seized	8	5	2	11		0	11		0	11
Total Aircraft	9	6	2	13		0	13		0	13

*Cessna 310 transferred to South Dakota Highway Patrol (March 1996)

**Gulfstream transferred to Corp of Engineers, Vicksburg, MS (July 1996)

Note: FY96 increase due to consolidation of four DNS aircraft under the USMS
and the purchase of a third B727 using Working Capital Funds

Department of Justice
United States Marshals Service
Violent Crime Reduction Programs
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United States Marshals Service
Violent Crime Reduction Programs
Summary Statement
Fiscal Year 1998

For 1998, the United States Marshals Service requests a total of 167 positions, 167 workyears, and \$25,553,000 from the Violent Crime Reduction Trust Fund. This request represents an increase of 126 positions, 126 workyears, and \$553,000 to the 1997 appropriation enacted. This increase is a result of a transfer of programs previously funded from the U.S. Marshals Service Salaries and Expenses Appropriation.

This funding will provide the personnel necessary to ensure that new and renovated federal courthouses have adequate security. The Marshals Service's primary mission is to protect the federal judiciary and court proceedings, which is dependent upon the timely coordination and implementation of the established safety and security guidelines for the renovation and construction of detention prisoner movement and related high security areas.

**United States Marshals Service
Violent Crime and Reduction Programs
Justification of Proposed Changes in Appropriation Language**

The 1997 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Violent Crime and Reduction Programs, United States Marshals Service

For activities authorized by section 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, [\$25,000,000] \$25,531,000 to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

(P.L. 103-322 Section 190001(b), Department of Justice Appropriations Act, 1997)

Explanation of Changes:

No substantive changes are proposed.

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1997 Congressional Actions:

Congress did not approve \$477,000 in funding for courthouse security equipment.

United States Marshall Service
Violent Crime Reduction Programs
Summary of Requirements
(Dollars in Thousands)

	Perm FOS	MYS	Amount
1997 as Enacted	41	41	\$25,000
Adjustments to Base			
Transfers from U.S. Marshall's Direct Appropriation:			
Special Assignments Base Funding .....	...	...	3,056
Base Funding for Courthouse Personnel	126	126	8,558
Equipment Base Funding .....	...	...	2,589
Increases (automatic, non-policy) .....	...	...	553
Decreases (automatic, non-policy):			
Nonrecurring Costs for Courthouses .....	...	...	(14,203)
1998 Base	167	167	\$25,553
Program Changes .....	...	...	...
1998 Estimate	167	167	\$25,553
Estimates by Budget Activity			
1. Protection of the Judicial Process ...	167	167	\$25,553

United States Marshals Service
Violent Crime Reduction Programs
Program Performance Information
(Dollars in Thousands)

MISSION STATEMENT:

It is the mission of the United States Marshals Service (USMS) to protect the federal courts and ensure the effective operation of the judicial system. The USMS protects judges and other participants in the judicial process; provides for the security of the federal court facilities; executes court orders, including certain arrest warrants and the seizure, maintenance and disposal of assets; carries out the directives issued by the Attorney General; provides for secure confinement, transportation, and production of prisoners; assures long-term safety of government witnesses; collects fees, and makes payments in support of prisoners in non-federal facilities.

ACTIVITY: PROTECTION OF THE JUDICIAL PROCESS

	Perm	FTE	Amount
1997 Appropriation Enacted	41	41	25,000
1998 Base	167	167	25,553
1998 Estimate	167	167	25,553
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

The Violent Crime Reduction Trust Fund is the result of a cooperative approach taken by the Administration and the Congress to address the country's significant violent crime problem. The fund is a result of legislation that sets up a conservative approach for correcting the problem. All positions of government will participate in a concerted effort to reduce violent crime throughout the country. Federal law enforcement and judicial resources will provide significant assistance to the State and local efforts.

The Marshals Service has seen the results of these initiatives as additional prisoners face federal charges as a result of the provisions of the Comprehensive Crime Control Act of 1994 and as others are arrested as a result of task forces targeting violent criminal activities.

PROGRAM CHANGES:

No program increases are requested for FY 1998. However, a transfer of 126 positions, 126 FTE, and \$553,000 from the Salaries and Expenses Appropriation is requested to align VCRP requirements together. The positions and funding are base resources for courthouse personnel and special assignments to support high threat trials.

United States Marshals Service
Violent Crime Reduction Programs
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996		1997		1998			
	Auth.	Reimb.	Auth.	Reimb.	Transfers	Increases	Streamlining	Auth.
Criminal Investigative (C.I.)	167	..	41	..	..	1,6	..	167
Total	167	..	41	..	..	126	..	167
U.S. Field	167	..	41	..	..	126	..	167
Total	..	..	41	..	..	126	..	167

United States Marshals Service
Violent Crime Reduction Programs
Summary of Law Enforcement and Support Positions by Category

Appropriated Positions	1997 Appropriation Enacted						1998 Total Increases						1998 Request Level					
	Capacity/Enforcement			Non-Enforcement			Capacity/Enforcement			Non-Enforcement			Capacity/Enforcement			Non-Enforcement		
	Pos	FTE	Total	Pos	FTE	Total	Pos	FTE	Total	Pos	FTE	Total	Pos	FTE	Total	Pos	FTE	Total
Decision Unit																		
Protection of the Judicial Process	41	41	41	...	...	41	41	126	126	...	...	126	167	167	167	...	...	167
TOTAL	41	41	41	...	...	41	41	126	126	...	...	126	167	167	167	...	...	167

Note: 1998 Total Increases reflect a transfer of 126 positions from direct funding to VCRP.

United States Marshals Service
Violent Crime Reduction Programs
Summary of Change
(Dollars in Thousands)

	Perm Fos	Work Years	Amount
1997 Appropriation as Enacted	41	41	\$25,000
Adjustments to Base:			
Transfer from U.S. Marshals Direct Appropriation			
Special Assignments	126	126	3,056
Base Funding for Courthouse Personnel	126	126	8,398
Equipment Funding	126	126	4,184
Total, Other Increases	126	126	14,203
Increases (automatic, non-policy):			
Annualization and increase of 1997 pay raise .....	...	...	55
Annualization of 1997 positions .....	...	...	76
General Pricing level adjustments .....	...	...	422
Total, Increases .....	...	...	553
Decreases:			
Non-recurring costs for courthouses .....	...	...	(14,203)
1998 Base	167	167	25,553
Program Changes .....	...	...	...
1998 Estimate	167	167	25,553

United States Marshals Service
Violent Crime Reduction Programs
Justification of Adjustments to Base
(Dollars in thousands)

	Pos.	BY	Amount
<u>Transfers from U.S. Marshals Direct Appropriations:</u>			
1. <u>Special Assignments:</u> . . . . .	...	...	\$3,056
Funding for Special Assignments is being transferred to the Violent Crime Reduction Program appropriation for protective details relating to judicial security and investigative services that will be charged to VCRP.			
2. <u>Base Funding for Courthouse Personnel:</u>	126	126	8,558
Transfer of base funding for courthouse personnel of 126 positions and workyears transferred from the U.S. Marshals Service Salaries and Expenses (SSE) appropriation.			
3. <u>Equipment Funding:</u>	---	---	2,589
Costs related to equipment, guard costs, and other court security related equipment are being transferred from the U.S. Marshals Service SSE.			
Total Transfers:	126	126	\$14,203

Increases (Automatic, non-policy):

1. <u>Annualization of 1997 Pay Raise</u> . . . . .	...	...	55
This pay annualization represents first quarter amounts (October through December) of the anticipated 1997 pay increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested \$54,000, represents the pay amounts for the first quarter of the year plus appropriate benefits (\$4,525 for pay and \$10,475 for benefits).			
2. <u>Annualization of 1997 Positions</u> . . . . .	...	...	76
This provides for the annualization of positions provided in the 1997 Congressional Action for the <u>Protection of the Judicial Process Program</u> .			

3. General Pricing Level Adjustments . . . . .	...	422
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.		
Total Increases . . . . .	...	14,756
Decreases:		
Nonrecurring Costs for Courthouse Projects . . . . .	...	(\$14,203)
This decrease is to remove one-time expenses for the purchase of security equipment and furniture for new and renovated federal courthouses.		
Total Decreases . . . . .	...	(\$14,203)
Total Adjustments to Base	126	\$553

United States Maritime Service
Violent Crime Reduction Program
Summary of Requirements by Grade and Object Class
(Values in thousands)

Grade and Salary Range	1996 Actual		1997 Request		1998 Request		1999 Request	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
OS-12, \$45,939-59,725	65		16		65		65	
OS-11, \$38,350-49,831	65		16		65		65	
OS-9, \$31,680-41,185	21		5		21		21	
OS-7, \$23,897-33,667	16		4		16		16	
1997 Pay Rate								
Pay above stated rates								
Pay above stated rates	167	6,316	41	1,408	167	6,316	167	6,316
Pay above stated rates	(115)	(4,171)		(73)		(1,096)		(1,096)
Net, full-time permanent	53	2,145	41	1,335	167	5,220	167	5,220
Other than permanent:								
Part-time permanent								
Temporary employment								
Other part-time and intermittent employment								
Other permanent compensation:								
Overhead								
Law Enforcement Availability Pay								
Other compensation								
Special personal services payments								
Total, Workyears & personal compensation	53	2,145	41	1,335	167	5,220	167	5,220
Average OS Salary								
Average OS Salary		\$46,613		\$40,357		\$44,873		\$44,873
Average OS Grade								
Average OS Grade								

United States Marshall Service
Violent Crime Reduction Program
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1996 Actual		1997 Request		1998 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	53	2,145	41	1,576	167	5,695	126	4,119
11.3 Other than Full-time permanent.....	...	...	...	...	...	...	...	...
11.5 Other personnel compensation.....	...	...	...	3,473	...	6,616	...	3,143
11.8 Special personnel services payments.....	...	...	...	...	...	217	...	217
Total, workyears and personnel compensation.....	53	2,145	41	5,049	167	12,528	126	7,479
Reimbursable workyears.....	...	...	...	...	...	...	...	...
Full-time permanent.....	...	...	...	...	...	...	...	...
Other than permanent.....	...	...	...	...	...	...	...	...
Other Object Classes								
12.0 Personnel Benefits.....	1,624	...	790	...	2,644	...	1,854	...
13.0 Benefits to Former Personnel.....	...	...	...	2,644	...	5,655	...	3,011
21.0 Travel and Transportation of persons.....	...	...	...	127	...	206	...	79
22.0 Transportation of Things.....	...	...	...	3,730	...	2,100	...	(1,630)
23.1 GSA Rent.....	12,971	...	...	...	...	...	...	...
23.2 Rental Payments to Others.....	...	...	...	...	...	...	...	...
23.3 Comm., Util., & Other Misc. Charges.....	...	...	74	...	521	...	447	...
24.0 Printing and Reproduction.....	79	...	16	...	53	...	37	...
25.1 Advisory and Assistance Services.....	10	...	18	...	1,403	...	1,417	...
25.2 Other Services.....	...	...	...	...	...	...	...	...
25.3 Purchases of Goods & Svc from Govt Accts.....	...	...	2,937	...	411	...	(2,526)	...
26.0 Supplies & Materials.....	8,150	...	9,615	...	...	...	(9,615)	...
31.0 Equipment.....	...	...	...	...	...	...	...	...
41.0 Grants, Subsidies & Contributions.....	...	...	...	...	...	...	...	...
42.0 Insurance Claims and Indemnities.....	...	...	...	...	...	...	...	...
43.0 Interest on debt pay.....	...	...	...	...	...	...	...	...
Total obligations.....	53	24,979	41	15,000	167	25,553	126	553
Unobligated balance start-of-year.....	...	...	...	...	...	...	...	...
Unobligated balance end-of-year.....	...	...	...	...	...	...	...	...
Unobligated balance expiring.....	...	...	...	...	...	...	...	...
Total requirements.....	24,979	...	35,000	...	25,553	...	...	...
Relation of obligations to outlays.....	...	...	...	...	...	...	...	...
Total Obligations.....	24,979	...	25,000	...	25,553	...	...	...
Obligated balance start-of-year.....	...	...	6,866	...	8,866	...	...	...
Obligated balance end-of-year.....	...	...	(6,866)	...	(8,866)	...	...	...
Adjustments in expired accounts.....	...	...	...	...	...	...	...	...
Outlays.....	18,113	...	23,000	...	25,500	...	...	...

Department of Justice
United States Marshal Service
Federal Prisoner Detention Program
Estimates for Fiscal Year 1998

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**Department of Justice
United States Marshals Service
Federal Prisoner Detention Program**

SUMMARY STATEMENT:

A total of \$462,831,000 is requested for the Federal Prisoner Detention Appropriation to pay for the support, housing and safekeeping of federal prisoners in United States Marshals Service's (USMS) custody. The request will provide the resources to fund 7,029,573 Intergovernmental Agreement (IGA) and contract jail days.

This funding request for the FPD program provides for the required IGA and contract jail space estimated to be needed through FY 1998. It is the result of multi-component planning within the Department of Justice. Since 1984, the USMS has experienced an unprecedented growth in both population and jail day levels. During this period, the USMS average population has increased by 346 percent from 5,383 in 1984 to over 24,000 in currently.

Legal Activities
Federal Prisoner Detention
Justification of Proposed Changes in Appropriation Language

The 1997 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Federal Prisoner Detention

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, [405,262,000] \$462,131,000 until expended. Provided, that this appropriation be available for expenses heretofore shall be available for expenses authorized under 18 U.S.C. 4013 (18 U.S.C. 4001-4003, 4006-4009, 4013, 4021-4024, 4085-4086, 4123, 4212-4213, 4215, 5040, 28 U.S.C. 561, Department of Justice Appropriations Act, 1997.)

Explanation of Changes:

A phrase, which was permanently enacted in 1997, is deleted.

United States Marshals Service
Federal Prisoner Detention Program
Crosswalk of 1997 Changes
(Dollars in Thousands)

Activity/Program	1997 President's Budget Request	Reprogrammings	Available Prior Year Funds	1997
				Appropriation Anticipated

Care of U.S. Prisoners	\$405,262	...	\$13,067	\$418,329
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Available Prior Year Funds
Unobligated balance at end of FY 1996.

United States Marshall Service
Federal Prisoner Detention
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:

1997 As Enacted.....	9405,262
Available Prior Year Funding.....	213,067
Appropriation Anticipated.....	9418,329
Increases (Automatic, Non-Policy):	
Jail Rate.....	918,565
Increase due to facilities' attempts to rectify rate lags.	
Medical Cost.....	91,518
Increase due to inflation and increases in jail days.	
Guard Service and Miscellaneous Cost.....	9206
Increase due to inflation.	
Decrease:	
Prior Year Funding No Longer Available.....	1813,067L
1998 Base.....	9425,551
Program Change (See Narrative for Detail).....	237,280
1998 Estimate.....	9662,831
<u>Estimate for Budget Activity</u>	
1996 Enacted Planned 1997 Anticipated 1998	
Base Base Base	
Care of U.S. Prisoners... 9265,020 9326,265 9418,329 9425,551	
	9662,831
	Increase/
	Decrease
	937,280

United States Marshals Service
Federal Prisoner Detention
Program Performance Information
Activity Resource Summary
 (Dollars in Thousands)

MISSION: The USMS is responsible for administering the Federal Prisoner Detention (FPD) Program for the federal government. This account is charged with housing the 17th largest correctional population in the United States. The FPD account is responsible for providing funding for housing, subsistence, medical care, and hospital and detention facility guard service for all federal prisoners in the custody of the USMS. Detention services and bed space are acquired at the least possible cost to the federal government, through the use of IGAs; the use of cooperative agreements with state and local governments; the use of federal detention facilities; or the use of private jail facilities.

ORGANIZATIONAL GOALS:

To care for federal prisoners in the custody of the United States Marshals Service at a level which meets nationally accepted standards for detention of holding facilities.

ACTIVITY: CARE OF U.S. PRISONERS

	Perm. Fos.	FTE	Amount
1997 Appropriation	\$405,262
1998 Base	\$425,551
1998 Estimate	\$462,831
Increase/Decrease	\$ 37,280

BASE PROGRAM DESCRIPTION:

The Federal Prisoner Detention (FPD) appropriation provides the financial support for the housing, subsistence, medical care, and hospital guard service for federal detainees remanded to the custody of the United States Marshals Service (USMS). The USMS is responsible for administering the FPD program for the federal government. With more than 24,000 detainees in USMS custody on a given day, the USMS is charged with housing the seventeenth largest correctional population in the United States and depends on approximately 1,000 state and local governments and the Federal Bureau of Prisons to house these prisoners. Detention bed space for federal detainees is acquired at the least expensive cost to the federal government,

through Intergovernmental Agreements (IGAs) and Cooperative Agreements with state and local governments, at federal detention facilities, or in private jail facilities.

The USMS is responsible for maintaining the custody of all federal detainees in the federal judicial system, from the point at which a prisoner is initially brought into federal custody, through the entire trial process, and ending when a prisoner is acquitted or arrives at a designated Bureau of Prisons (BOP) facility to serve sentence. Detention is one of the most challenging program areas to manage because of the constantly changing environment and factors that affect detention. One of the major problems that must be overcome is the shortage of detention space near many federal court cities. A potent tool in acquiring detention space is the Cooperative Agreement Program (CAP). The CAP provides capital investment funding to selected state and local governments for the renovation, construction and equipping of detention facilities. In return, the USMS receives long-term, guaranteed jail space for federal prisoners in or near federal court cities.

PROGRAM INCREASE:

Perm. Fom.	FTE	Amount
...	...	\$37,280

CARE OF U.S. PRISONERS

The U.S. Marshals Service's pretrial population is generated as a result of public policy, and of multi-component investigative and prosecutorial efforts within the Department of Justice. Since the USMS, like the Federal Bureau of Prisons (BOP), is at the receiving end of federal law enforcement initiatives, prisoners' housing and care costs are uncontrollable and mandatory. The USMS has no control over the number of detainees remanded to its custody and no available options other than housing these prisoners.

The USMS requests a program increase of \$37,280,000 to cover the increase in jail days and jail day rates. The erratic growth in the federal detainee population, and resultant number of contract and intergovernmental agreement (IGA) jail days needed to house these detainees poses a formidable challenge in predicting future resource needs. However, the overall trend is upward for the detainee population and the resultant number of IGA and contract jail days needed to house these detainees.

Fiscal Year	Growth in Average Prisoner Pop.	Growth in IGA and Contract Jail Days
1983	118	88
1984	78	71
1985	198	138
1986	148	148
1987	-18	68
1988	228	298
1989	338	268
1990	148	208
1991	218	148
1992	208	318
1993	18	68
1994	-28	-68
1995	78	98
1996	138	168

Based on this data and other related factors, the USMS has developed the following jail day projections for FY 1997 and 1998:

	1997	1998
IGA and Contract Jail Days	6,295,052	7,029,573
Federal Jail Days ¹	2,823,144	2,823,144
Total Jail Days	9,124,196	9,856,717

These projections are derived by taking the actual FY 1996 jail day total of 5,380,720 and projecting the historical growth rate of approximately 13 percent to receive the jail days estimate for FY 1997. Then using a growth estimate of 11.7 percent for FY 1998, new estimates can be calculated. The USMS believes these are conservative projections, especially when considering the growth rate over the past year, and the continuing focus of prosecuting immigration illegal reentry cases.

The immigration initiative called "Operation Gatekeeper" is a prime example of increased prosecutorial initiatives. As a result of this effort, the USMS exhibited explosive population increases along the southwest border in FY 1996 and the trend is expected to continue through FY 1997. The following population growth occurred in the southwest border districts between October 1995 and October 1996: District of Arizona

¹ Federal Days are held constant, because BOP has indicated that no new federal facilities are due to open in 1998.

increased 24 percent; the Southern District of California increased 18 percent; the District of New Mexico increased 40 percent; and the Western District of Texas increased 33 percent.

The upward population trend is not associated entirely with immigration violations along the southwest border. Average daily population figures reported for FY 1996 (23,374) represent an increase of 13.2 percent over the FY 1995 average of 20,632. During this time, 41 districts (43 percent) were reporting population increases in excess of 10 percent. Additionally, if the data from the five southwest border districts is excluded, the net increase is 9.4 percent, indicating that although the southwest border immigration cases are not the only factor in the current growth.

Increased resources requested in FY 1997 by other agencies, particularly for border patrol, criminal investigator, and U.S. Attorney positions, will target violent crime, drugs, immigration and terrorism. These offenses will require partial detention and could push the detainee population well above these projections. To effectively support such initiatives, the USMS must be provided with sufficient resources to meet these anticipated increases.

In addition to the increase in jail days, the jail day rate to house the federal detainees is projected to continue to increase by five percent per annum. In FY 1996, the average jail day rate the USMS paid was \$55.26. The average rate expected to be paid in FY 1997 is \$58.02, and \$60.92 in FY 1998.

NAME OF PROGRAM: Federal Prisoner Database		PERFORMANCE INDICATOR INFORMATION					PERFORMANCE TARGETS AND ACTUAL RESULTS													
Type of Indicator		Performance Indicators	1985 Actual	1986 Actual	1987 Actual	1988 Actual	1989 Actual	1990 Actual	1991 Actual	1992 Actual	1993 Actual	1985 Target	1986 Target	1987 Target	1988 Target	1989 Target	1990 Target	1991 Target	1992 Target	1993 Target
Input	1.	Number of Prisoners Supplied	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372
	2.	Cooperative Agreements Awarded	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Output/Activity	3.	Control Unit Days (in Thousands)	4,444	4,444	4,444	4,444	4,444	4,444	4,444	4,444	4,444	4,444	4,444	4,444	4,444	4,444	4,444	4,444	4,444	4,444
	4.	Control Unit Days (in Thousands)	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
	5.	Control Unit Days (in Thousands)	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
	6.	Cooperative Agreements Supplied	10,411	10,411	10,411	10,411	10,411	10,411	10,411	10,411	10,411	10,411	10,411	10,411	10,411	10,411	10,411	10,411	10,411	10,411
Intermediate Outcomes	7.	Average daily prisoner rate	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372	84,372
	8.	Percent Utilization of GUP beds (based on National Average)	84.37	84.37	84.37	84.37	84.37	84.37	84.37	84.37	84.37	84.37	84.37	84.37	84.37	84.37	84.37	84.37	84.37	84.37
End Outcomes	9.	Percentage of Control Units in compliance with Federal, state, and local correctional standards	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	10.	Number of districts having adequate	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
A. Definitions of Terms or Explanations for Indicators:																				
B. Need data indicators, measurement, and valuation.																				
C. Data not currently available.																				

A. Definitions of Terms or Explanations for Indicators:

B. How data collection, measurement, and calculation.

C. Data and survey results.

COOPERATIVE AGREEMENT PROGRAM

The Cooperative Agreement Program (CAP) provides capital investment funding to selected state and local governments for the renovation, construction and purchase of equipment for detention facilities in return for long-term, guaranteed jail space. Each CAP project is unique in nature and provides partial funding to the state or local governments. This funding enables them to add new jail capacity, renovate existing jail space, or upgrade existing facilities to establish acceptable conditions of confinement in accordance with federal, state and local detention standards.

State and local governments have been tremendously interested in CAP agreements. Not only do these agreements help the USMS, but they provide an economic stimulus to the local economies, both through the initial capital investment, and also through the per diem payments when the bed spaces become available. The acquisition of jail bed space through the CAP program also avoids the most expensive bed space acquisition option, the construction of a Federal jail facility. Although resources for CAP are now included in the Office of Justice Programs appropriation (requested amount \$35,000,000), the USMS retains all CAP program manager responsibilities.

United States Marshall Service
Federal Prisoner Detention
Justification of Adjustments to Base
(Dollars in Thousands)

Increases Automatic, Non-Policy:

	Est.	NY	Amount
1. <u>Medical Hospital Service Costs</u>	\$1,518
This request provides for the expected increase in cost of hospital medical services due to the projected increase in the medical rate and of the increase in jail days. The requested amount is \$1,518,000.			
2. <u>Jail Day Rate Increase</u>	\$18,563
This request recasts the number of state and local jail days projected to be available at the 1997 funding level by applying an increase for the annual inflation wide averaged rate. The requested increase reflects the additional resources required to fund the same number of jail days in 1998 as could be funded in 1997. Jail day costs are projected to rise by an average of five percent from \$38.02 to \$60.92.			
3. <u>Security Guard Services</u>	\$206
This request applies the OMB pricing guidance to guard service costs and other miscellaneous expense categories. The increased costs identified result from applying a factor of 2.7 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing, transportation costs and utilities.			
Total increases.....	\$20,289
<u>Decreases:</u>			
1. Prior year funding no longer available.....	(\$13,067)
Total, Adjustments to Base.....	\$7,222

United States Marshall Service
Federal Prison Detention Program
Summary of Requirements by Object Class
(Dollars in Thousands)

Object Class	1996 Actual		1997 Estimate		1998 Estimate		Increase/Decrease	
	Backyear	Amount	Backyear	Amount	Backyear	Amount	Backyear	Amount
11.6 Special Personal Services Payments	0	6,808	0	6,581	0	9,800	0	1,219
12 Civilian Personnel Benefits	0	48	0	60	0	68	0	8
25 Other Services	0	28,497	0	345,802	0	417,766	0	51,964
26 Supplies and Materials	0	5,306	0	6,591	0	7,527	0	0
41 Grants, Subsidies and Contributions	0	19,506	0	24,229	0	27,671	0	0
Total Obligations	0	326,268	0	408,262	0	462,021	0	53,753
Unobligated balance, start-of-year		(13,511)		(13,067)		0		
Unobligated balance, end-of-year		13,067		0		0		
Total Requirements		340,021		395,195		462,021		
Reconciliation of obligations to outlays:								
Total Obligations		340,268		408,262		462,021		
Obligated balance, start-of-year		60,716		122,930		149,192		
Obligated balance, end-of-year		(122,230)		(149,192)		(122,021)		
Outlays		268,091		279,000		460,000		

Department of Justice
 Fees and Expenses of Witnesses
 Estimates for Fiscal Year 1998

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Summary Statement
Fees and Expenses of Witnesses

For the Fees and Expenses of Witnesses (FEW) appropriation, the Department requests a total funding level of \$75,000.00 for 1998 to remain available until expended. This resource level represents a reduction of \$25,702.000 below the 1997 enacted level. This reduction is proposed as a means of reducing the significant unobligated balances that have been carrying forward in this appropriation since 1993.

The Fees and Expenses of Witnesses activity provides for all fees and expenses associated with the provision of testimony on behalf of the Government. Specifically, there are two types of witnesses that are compensated under the provisions of this activity. Fact witnesses testify as to events or facts about which they have personal knowledge. These witnesses are paid a statutorily established rate of \$40 per day plus reasonable amounts for travel and certain other costs associated with their appearance. Expert witnesses provide technical or scientific testimony and are compensated based on negotiations with the respective Government attorney. Such negotiations are conducted within the scope of prescribed fee ranges as provided in DOJ Order 2110.43. Funding allocated to this activity is also used to pay the fees of physicians and psychiatrists who examine accused persons upon order of the court to determine their mental competency.

The Protection of Witnesses activity provides for the security of Government witnesses, or potential Government witnesses, and their families when their testimony, concerning organized criminal activity, may jeopardize their personal security. This program provides funding for expenses of witnesses enrolled in the Witness Security Program. Such expenses include, but are not limited to, subsistence, housing, medical and dental care, travel, documentation, identity changes, one-time relocation, costs associated with obtaining employment, and other miscellaneous expenses.

The Victim Compensation Fund was established by Section 1208 of the Comprehensive Crime Control Act (Title II of P.L. 95-473). The fund is used by the Attorney General to "pay restitution to, or in the case of death, compensation for the death of any victim of a crime that causes or threatens death or serious bodily injury and that is committed by any person during a period in which that person is provided protection under this chapter." In the case of death, an amount not to exceed \$50,000 may be paid to the victim's estate. Moreover, the act authorizes payment of an amount not to exceed \$25,000 to the estate of any individual whose death was caused by a protected witness before the enactment of this law.

The Private Counsel activity was established under 28 C.F.R. 50.15 and 50.16, whereby, the Civil Division is authorized to retain private counsel to represent Government officers and employees who are sued for actions taken while performing their official duties.

The D.C. Superior Court Informant Program (SCIP) was established upon passage of the 1991 Dire Emergency Supplemental Appropriations Act. Unlike the Witness Security program, which provides permanent relocations and identity changes, the SCIP provides temporary relocation and protective services to witnesses who provide prosecution testimony in D.C. Superior Court cases.

Fees and Expenses of Witnesses
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored.

Fees and Expenses of Witnesses

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, (\$100,702,000), to remain available until expended, of which not to exceed \$4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed \$1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$4,000,000 may be made available for the purchase, installation and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

(S U.S.C. 503(b), 5537, 5751; 18 U.S.C. 3495-96, 3525, 4203, 4241, 4242; 28 U.S.C. 524, 1763, 1821, 1825, 1915, 1922; Department of Justice Appropriations Act, 1997.)

\$75,000,000

Fees and Expenses of Witnesses

Crosswalk of 1997 Changes
(in thousands of dollars)

Activity/Program	1997 President's Budget Request	Congressional Appropriation Actions on the 1997 Request	Reprogrammings	1997 Appropriation Enacted
1. Fees and Expenses of Witnesses.....	\$64,217	...	...	\$64,217
2. Protection of Witnesses	32,485	...	...	32,485
3. Victim Compensation Fund.....	0	...	...	0
4. Private Counsel.....	2,600	...	...	2,600
5. Superior Court Informant Program....	1,400	...	...	1,400
6. Alternative Dispute Resolution.....	2,000	(\$2,000)	...	0
Total	102,702	(2,000)	...	100,702

Legal Activities
Fees and Expenses of Witnesses
Program Performance Information
Activity Resource Summary
(In thousands of dollars)

Activity: Fees and Expenses of Witnesses

	Perm. Pos.	FTE	Amount
1997 Appropriation Enacted	\$64,217
1998 Base	64,217
1998 Estimate	45,515

Mission: To continue to provide adequate funding for payment of fees and related expenses incurred by individuals who provide factual, technical or scientific testimony on behalf of the United States or court designated indigent individuals, as provided by law. Funds provided for this activity also guarantee the right of accused persons to a fair and impartial trial by ensuring that the accused is mentally competent to stand trial and that the court has testimony regarding the mental competency of the accused at the time of the alleged offense.

Organizational Goals:

To provide reasonable compensation for expert witnesses, who testify on behalf of the United States, at rates established by the Attorney General or the Assistant Attorney General for Administration, pursuant to 28 U.S.C. 524.

To provide adequate resources to compensate fact witnesses who testify on behalf of the Federal Government for the expenses associated with the attendance at legal proceedings. The court-attendance fee paid to fact witnesses is set by law (28 U.S.C. 1821). As a result of Public Law 96-346 (September 10, 1980), the amounts authorized for travel, per diem and mileage are set by regulations governing official travel by Federal employees and promulgated by the Administrator of the General Services Administration.

To provide adequate resources to compensate fact witnesses used by those defendants designated as indigent by the courts. Expenses are paid to those witnesses who appear in criminal proceedings in Federal court for the indigent defendants.

To provide payment for the fees and expenses of psychiatrists who perform court-ordered evaluations to determine the mental competency of defendants, pursuant to 18 U.S.C. 4241 and 4242.

Base Program Description: This program provides for payment of fees and expenses of expert witnesses who appear on behalf of the Government when scientific or technical expertise is required in the prosecution or defense of a case. The pursuit of complex litigation by the Department would not be possible without qualified experts to testify and to refute the non-legal particulars of individual cases. The testimony of expert witnesses is essential to the successful outcome of such litigation. While a wide array of specialized disciplines are involved in the Department's litigation, experts from certain disciplines are used extensively. For example, approximately sixty percent of expert witnesses used by the Department in 1989 were either physicians, psychiatrists, appraisers, engineers, or economists. Also, the testimony of fact witnesses is used in court proceedings by the Department's legal divisions and the U.S. Attorneys. Fact witnesses are needed in a wide range of court proceedings, as well as pre-trial conferences. Fees and expenses paid to fact witnesses are intended to defray the costs of appearing to testify and are set by law and/or regulation. Further, the importance of this program is underlined by the need to protect the rights of accused individuals. Courts often order the Government to pay the costs associated with mental competency examinations conducted by physicians or psychiatrists. These examinations are performed in an attempt to determine whether an accused person is mentally competent to stand trial and/or was mentally competent at the time of the offense.

Legal Activities
Justification of Program and Performance
Activity Resources Summary
(In thousands of dollars)

Activity: Protection of Witnesses

	Perm. Pos.	FTE	Amount
1997 Appropriation Enacted	\$32,485
1998 Base	32,485
1998 Estimate	27,485

Mission: To increase the effectiveness of the Department's efforts to combat criminal activity in such areas as organized crime, drugs or narcotics, and murder or conspiracy to commit murder, by ensuring the safety of endangered or threatened witnesses.

Organizational Goals:

To protect witnesses and their families when the testimony of the witnesses may jeopardize their personal security

To compensate witnesses for subsistence costs such as housing, food, relocation, and incidental expenses as provided by the Witnesses Security Reform Act of 1984.

To provide orientation, documentation and family-oriented services to new WITSEC program entrants.

Base Program Description: The procedure for designating a person as a protected witness is set forth in Department of Justice OBD Order 2110.2 "Witness Protection and Maintenance Policy and Procedures." This order places within the U.S. Marshals Service the responsibility for the security of these witnesses and their families. This program provides for their financial maintenance including the following: subsistence expenses; housing; medical and dental expenses; travel; documentation expenses for identity changes; one-time relocation; costs for obtaining employment; and other miscellaneous expenses. This activity also provides for construction and maintenance of strategically located safe-site facilities to house protected witnesses before and during trial.

Legal Activities
Fees and Expenses of Witnesses
Program Performance Information
Activity Resource Summary
(In thousands of dollars)

Activity: Victim Compensation Fund

	Perm. Pos.	FTE	Amount
1997 Appropriation Enacted	\$0
1998 Base	0
1998 Estimate	(1,000) ⁴

Mission: To pay restitution, or in the case of death, compensation for the death, to any victim of a crime committed by a protected witness that results in death or serious bodily injury.

Organizational Goal: To provide compensation to those individuals, or, in the case of death, to the individual's estate, who are victimized by a protected witness.

Base Program Description: This program provides resources to compensate individuals who are victimized by protected witnesses. Section 1208 of the Comprehensive Crime Control Act of 1984 (Title II of P.L. 98-473), enacted October 17, 1984, authorized annual appropriations not to exceed \$1,000,000 for the Victim Compensation Fund. The Fund was initially funded by the 1985 Supplemental Appropriations Act (P.L. 99-88).

Restitution will not exceed \$50,000 for those victimized since the establishment of the Fund. Restitution not to exceed \$25,000 shall be paid to the estate of victims killed as a result of crimes committed by persons who have been enrolled in the Witness Security Program if such crimes were committed prior to enactment of P.L. 98-473.

⁴ The negative amount shown in the 1998 Estimate column for the Victim Compensation Fund will be offset against anticipated unobligated balances carrying forward from 1997. The current unobligated balance for this activity is \$1,704,000.

Legal Activities
Fees and Expenses of Witnesses
Program Performance Information
Activity Resource Summary
(in thousands of dollars)

Activity: Private Counsel

	Perm. Pos.	FTE	Amount
1997 Appropriation Enacted	\$2,600
1998 Base	2,600
1998 Estimate	1,600

Mission: To continue to defend Federal employees personally sued for carrying out official duties.

Organizational Goal: To retain private counsel to represent Government officers and employees who are sued for actions taken while performing their official duties.

BASE PROGRAM DESCRIPTION: This activity provides funding to allow the Department to retain outside private counsel to represent Government officers and employees who are sued for actions taken while performing their official duties. As provided for under 28 C.F.R. 50.15 and 50.16, the Civil Division is delegated the authority to retain such counsel and further provided that payments for such services will be payable from the Department of Justice appropriations.

Legal Activities
Fees and Expenses of Witnesses
Program Performance Information
Activity Resource Summary
(In thousands of dollars)

Activity Superior Court Informants

	Perm. Pos.	FTE	Amount
1997 Appropriation Enacted	\$1,400
1998 Base	1,400
1998 Estimate	1,400

Mission: To increase the effectiveness of Federal prosecutions in the District of Columbia by providing funding to temporarily relocate D.C. Superior witnesses who face potential danger as a result of their participation in Superior Court prosecutions.

Organizational Goals:

To provide funding to temporarily protect Superior Court witnesses and their families when the testimony of the witnesses may jeopardize their personal security.

To compensate Superior Court witnesses for subsistence costs such as food, temporary relocation, and other expenses incidental to their protection.

Base Program Description: This program provides for funding for the protective services offered to D.C. Superior Court witnesses. Specifically, funding is provided for subsistence expenses; travel; temporary relocation, and other miscellaneous expenses. Funding in 1996 was provided from available balances.

Legal Activities
Fees and Expenses of Witnesses
Justification of Multi-Activity Program Changes
(in thousands of dollars)

Estimates by Budget activity	1998 Base	1998 Estimate	1998 Program Change
Fees and Expenses of Witnesses	\$64,217	\$45,515	(\$18,702)
Protection of Witnesses	32,485	27,485	(5,000)
Victim Compensation Fund	0	(1,000)	(1,000)
Private Counsel	2,600	1,600	(1,000)
Superior Court Informants	1,100	1,400	0
Total	100,702	75,000	(25,702)

A decrease of \$25,702,000 is requested to reduce unobligated balances. Since 1993, the unobligated balances for the Fees and Expenses of Witnesses (FEW) appropriation have averaged approximately \$34,750,000. Based on the level of funding demand for this appropriation, an average of about \$82,980,000 from 1993 through 1996, it is reasonable to believe that these large unobligated balances will continue to carry forward unchecked without the adjustment sought in this request. The requested reduction, about 26 percent of the 1997 enacted funding level, will not adversely affect the operations of the FEW in 1998.

Unobligated balances brought into 1997 are as follows:

Fees and Expenses of Witnesses	\$23,567
Protection of Witnesses	7,170
Victim Compensation Fund	1,704
Private Counsel	1,839
Superior Court Informants	675
Total	35,155

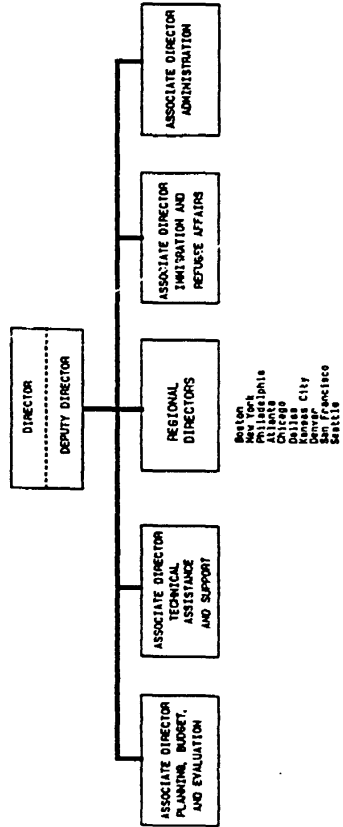
Object Class	Legal Activities Fees and Expenses of Witnesses Summary of Requirements by Object Class (In thousands of dollars)				Incr/Decr
	1996 Actual	1997 Estimate	1998 Request		
11.8 Special Personnel Services Payment	\$67,187	\$84,798	\$86,045	\$1,247	
21.0 Travel & Transportation of persons	10,828	13,666	13,868	202	
25.0 Other Services	2,944	3,418	5,497	2,079	
Total obligations	80,959	101,882	105,410	3,528	
Unobligated balance, start of year	-33,413	-35,155	-33,975		
Unobligated balance, end of year	35,155	33,975	3,565		
Prior year recovery	199	0	0		
Total requirements	82,890 ¹	100,702	75,000		
Relation of obligations to outlays:					
Obligations	80,959	101,882	105,410		
Obligated balance, start of year	70,907	69,948	76,439		
Obligated balance, end of year	-69,948	-76,439	-55,139		
Outlays	81,918	95,391	82,710		

¹ This amount reflects the 1997 enacted amount of \$85,000,000 less the 1997 rescission of \$110,000 and a transfer of \$2,000,000 to the Federal Bureau of Investigation.

DEPARTMENT OF JUSTICE
COMMUNITY RELATIONS SERVICE
ESTIMATES FOR FISCAL YEAR 1998
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COMMUNITY RELATIONS SERVICE



Approved: *[Signature]* Date July 17, 1995
 JAMES RENO
 Attorney General

Department of Justice
Salaries and Expenses, Community Relations Service
Summary Statement
Fiscal Year 1998

For FY 1998, the Community Relations Service (CRS) is requesting a total of 71 permanent positions, 56 workyears and \$7,500,000 for the prevention and resolution of racial conflict. This request represents an increase of 30 positions, 15 workyears and \$2,181,000 above the FY 1997 enacted appropriation.

CONFLICT PREVENTION AND RESOLUTION

In accordance with Title X of the Civil Rights Act of 1964 (42 USC 2000g), CRS provides assistance to communities and persons in the prevention and resolution of disputes, disagreements, and difficulties relating to perceived discriminatory practices based on race, color, or national origin. At the requested funding level, 71 positions, 56 workyears, and \$7,500,000 will be available for this activity.

CRS' continued efforts to provide a catalyst for local solutions to local problems is in keeping with the original legislative intent of Congress, which was to provide an effective alternative mechanism to federal enforcement action in local civil rights disputes. As a component of the Justice Department, CRS is uniquely situated to be effective at meeting this objective. CRS is able to gain immediate access to State and local governmental authorities who may be involved in conflicts in local communities. However, as a non-investigative and non-enforcement agency, CRS can play an impartial facilitator's role between these officials and community leaders in conflict over racial issues.

CRS conciliators are prohibited by law from being involved in investigations or other enforcement activities and are, therefore, free to create, through application of accepted mediation and conciliation techniques, an atmosphere of candor and trust among the local parties in dispute. CRS effectiveness on the local level is further enhanced by the strictly voluntary nature of its services; none of the parties is required to take part in CRS conciliation or mediation. The decision to participate is made only at the local level.

In FY 1996, CRS closed 827 cases involving significant community-wide conflicts of a racial and ethnic nature, fostering the peaceful reduction of racial and ethnic tension in all 50 states and the U.S. Virgin Islands. This was accomplished, despite deep budget cuts requiring staff reductions of nearly 50% and significant curtailment of travel to the local sites of community crisis and conflict by the remaining 34 mediators. Budget limitations forced CRS to decline more than 250 requests for conflict resolution assistance from Mayors, police chiefs, school superintendents, and community leaders. In other cases, CRS service was deferred, confined to telephonic assistance only, or restricted to short-term crisis response.

Community Relations Service
Salaries and expenses

Justification of Proposed Changes in Appropriation Language

New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Community Relations Service

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, ISS.319.0001 plus all other provisions: \$7,500,000
Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to this paragraph shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section. (Reorganization Plan No. 1 of 1966; Department of Justice Appropriations Act, 1997.)

No substantive changes in language proposed.

Community Relations Service
Salaries and Expenses
Comparison of 1987 Changes
(Dollars in thousands)

Activity/Program	1987 President's Budget Request		Congressional Appropriation Action on 1987 Request		Reprogramming		1987 Appropriation as Enacted	
	FY	Amount	FY	Amount	FY	Amount	FY	Amount
Conflict Resolution	41	41	41	\$5,502	...	...	41	41
Program Operations	41	41	41	\$5,502	...	...	41	41
Management and Administration	...	...	...	...	...	...	...	...
Total	41	41	41	\$5,502	...	...	41	41

Congressional Appropriation Action. Congress denied funding for the mandatory adjustments requested.

Community Relations Service
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to base 1977 as enacted 1978 President's Executive Order 1978 Budget Program Changes 1980 Estimate	1976 as Enacted		1976 Actual (1)		1977 as Enacted		1978 Base		1980 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Estimates by Program												
Conflict Prevention and Resolution Program Operations	41	41	8,564	41	97	8,481	41	5,319	41	5,492	30	15
Reimbursable Staff-years												
Total Staff-years			41			41		41		56		
Other Staff-years												
Overhead												
Total reimbursable staff-years			41			41		41		56		
Other Staff-years												
Overhead												
Total reimbursable staff-years			41			41		41		56		

(1) Includes the Cuban National Student Program (CHNS) staff-years for half of the year prior to the transfer to Immigration and Naturalization Service (INS). The amount presented for the Conflict Prevention and Resolution program in the President's Budget Appendix should have been \$8 million. The amounts presented for the CHNS program and the Conflict Prevention and Resolution program were erroneously transposed.

Community Relations Service
 Reimbursable Resources
 Summary of Requirements
 (Dollars in thousands)

Collections by Source	1988 Actual		1987 as Enacted		1988 Request		Increase/Decrease	
	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount
Federal Emergency Management Agency								
Office of Community Oriented Policing Services		\$112						
		50						
Total		\$162						

COMMUNITY RELATIONS SERVICE
Salaries and Expenses
Program Performance Information
Government Performance and Results Act Requirements

Mission:

To assist communities to prevent and resolve racial and ethnic tensions and conflicts, to develop the capacity of these communities to address such conflicts without outside assistance.

General Goals:

1. To address racial and ethnic tension and conflict through the provision of conciliation, mediation, technical assistance and training.
2. To help local communities and state agencies establish and improve their own mechanisms for anticipating, preventing, and resolving racial tension or disputes.
3. To support Department of Justice initiatives in areas impacting CRS operations, such as implementation of community policing, prevention of violence in communities, responses to immigration crises, and addressing hate crimes, and helping to create healthy relationship between law enforcement officials and minority communities affected by church burnings.

Community Relations Services
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)

	Perm. Pos.	FTE	Amount
<u>Conflict Prevention and Resolution</u>			
Program Operations			
1997 Appropriation	41	41	5,319
1998 Base	41	41	5,492
1998 Estimate	71	56	7,500
Increase/Decrease	30	15	2,008

BASF PROGRAM DESCRIPTION: Conflict Prevention and Resolution - Program Operations has base resources of 41 positions, 41 workyears, and \$5,492,000. All positions are occupied by staff directly engaged in conflict prevention and resolution work. Staff who are part of this decision unit assist communities to prevent and resolve disputes based on race, color, or national origin through conciliation, mediation, training and technical assistance.

- Through conflict resolution, CMS helps parties, many of whom are law enforcement agencies, to identify the major issues in conflict, to identify points of agreement within those issues, and to define the actions necessary for resolution of the conflict.
- Through its prevention and local capacity building efforts, CMS seeks to reduce the prospects for violence and community discord through dialogues, problem-solving workshops, and structured training interventions. In this context, training and technical assistance are provided that encompass areas such as implementing community

policing, avoiding excessive use of force, improving police/community relations, reducing violence in schools, dealing with hate incidents and hate groups, and understanding cultural diversity.

- CRS also undertakes and coordinates interagency projects each year in cooperation with public and private sector organizations, e.g., U.S. Attorneys, National Task Force on Church Burnings, the Federal Bureau of Investigation (FBI), and the National Organization of Black Law Enforcement Executives.

Program Operations Staff Support to Regional Conflict Resolution and Prevention Services:

Program operations staff provide regional support in the following areas: strategic and operational planning; coordination, policy development and guidance for program operations; security program management; management of information and technological systems; staff development and training; program evaluation; conference/planning and logistics; National Performance Review program implementation; legal interpretation, advice, and services; FOIA/Public Affairs program; records management and disposition; employment-management relations and EEO issues; and media/public relations.

ACCOMPLISHMENTS

Conflict Resolution

During FY 1995, CRS conciliation staff filed 1,836 new alerts, indicating an occurrence that could possibly require CRS case work; worked on 1,557 assessments to determine whether such matters were appropriate for a CRS response; and worked on 1,005 cases, in which CRS provided conciliation, mediation, technical assistance, or training services. CRS worked on 317 cases involving local law enforcement, 78 of those related to police use of force.

During late FY 1995 and throughout FY 1996, CRS staff was called upon in an unprecedented way to help communities across the nation prevent and resolve racial and ethnic conflicts. On June 24, 1996, CRS strength reached its lowest historic staffing level of 41 employees, a total of 7 headquarters staff and 34 field staff. Remarkably, this came at a time when the demand for CRS services was greater than it has been since the Los Angeles riots or

perhaps before. In a climate of heightened racial tensions and intolerance, brought on by the rash of church burnings occurring without apparent latus, episodes of law enforcement use of excessive force, open immigrant bashing, and increased confrontations involving Klan and other hate groups, CWS' limited resources were already stretched well beyond our capacity to respond. More than thirty years of CWS experience have demonstrated that conflicts are resolved only by working directly with local officials and community leaders, and that there is no substitute for the services delivered by experienced and impartial CWS conciliators. Despite severe staff limitations, CWS is responding at both the national and local levels to as many of these conditions and situations as possible. The following provides an overview of the challenges CWS faces in successfully delivering important conflict resolution and prevention services.

Church Burnings

During FY 1996, CWS has undertaken significant activity at both the national and local community levels. CWS is a principal member of the National Church Burning Task Force. The CWS national coordinator is managing the overall CWS response and chairs the Task Force's community outreach working group. During FY 1996 and into FY 1997, CWS will be the focal point for identifying the locations of emerging or overt conflict and coordinating the provision of federal resources. CWS is developing materials on early indicators of racial tension for local and federal authorities, and is providing technical assistance to local task forces organized by U.S. Attorney's offices nationwide.

During FY 1996, CWS deployed teams of conciliators on-site to respond immediately to racial tensions during any immediate crisis situations. CWS's best work is done as part of a prevention and outreach effort to vulnerable communities. Drawing on established relationships, CWS works to build trust in both the minority and law enforcement communities before the environment deteriorates into a crisis situation. In order to do this, we must field teams to advise elected officials, law enforcement, business and clergy, and local minority leaders; assess tension levels and identify issues; and establish common agendas for healthy discussion.

During FY 1996, CRS fielded an experienced, mobile mediation force in Atlanta to respond to organized and spontaneous protest activities and conflict situations at Olympic venues. CRS staff members, one fourth of CRS permanent personnel, were in Atlanta over the three-week period from July 19 - August 4, 1996. CRS was on-site to respond to racial tensions during the Olympic Opening and Olympic Games in Atlanta, Georgia. Throughout the time period immediately preceding the Olympics and during the Olympics, CRS implemented its operational plan of continuous networking with Federal, state, and local law enforcement agencies, the Atlanta Committee for the Olympic Games and other officials.

Democratic and Republican Conventions

that both the Democratic and Republican National Conventions. CRS mediation forces were helpful in a number of situations which otherwise might have deteriorated or led to more confrontations. CRS applied specific conciliation skills and knowledge to its work in the following areas: 1) CRS participated in a series of pre-planning and preparation meetings with all levels of law enforcement and identified protest groups to assure adequacy of communications and contingency planning; 2) CRS developed liaisons with all city, state, and federal officials in advance of the events; provided technical assistance, and shared insights and experience with lead officials; 3) CRS was familiar with the needs and attitudes of various national groups whose activities involved race or ethnic issues, especially the American Indian Movement, Refuse and Resist, and others who were involved in protest activities; 4) CRS was skilled in developing quick credibility with minority communities, on several occasions communicating with local residents to assure that a potentially explosive situation did not become exacerbated.

OTHER ONGOING CONFLICT RESOLUTION ACTIVITIES

Regional Conciliation Casework Activities

During FY 1996, each Regional and Field office continued to conduct its regular caseload of conciliation and mediation activities, as well as carry forward the casework of the conciliators who left CRS on June 22, 1996 as part of our 40 percent downsizing requirement. Regional offices, staffed by a Regional Director and two senior mediators, were responsible for alerting, assessing, and resolving community racial conflicts throughout their jurisdictions. While CRS cannot be certain that there will be civil unrest in any particular community, CRS Regional Tension Appraisals indicate that many communities are vulnerable and at risk for racial conflict apart from specific instances of church violence. Historically, the summer is a higher risk time period for racial conflicts. The prospect of increased summer tension is exaggerated by such issues as teenage summer unemployment, decreased recreational programs, community curfews, and aggressive crime enforcement.

CRS Participation in Distant Shore and Southwest Border Enforcement Plan

CRS' participation and resources are included in the Department of Justice's mass immigration response planning. During FY 1995/96, CRS conciliation staff participated in Operation Safehaven at the U.S. Naval Base in Guantanamo Bay, Cuba and Howard Airforce Base in Panama. In the event that Distant Shore or the Southwest Border Enforcement Plan are implemented, CRS would be called upon to provide mediation and conflict resolution services to both detained populations and state and local communities.

CRS Response to Tensions Over Stopped Up Enforcement Efforts by the Immigration and Naturalization Service

As the Immigration and Naturalization Service (INS) expands its enforcement activities at work sites and other locations, INS management anticipates a corresponding increase in community tensions. CRS has been advised by INS of anticipated need for CRS' services to address these issues. CRS also expects to provide support to the INS in their community outreach efforts.

Special Department of Justice Initiatives

CJS has been a helpful resource and advisor on community relations and racial/ethnic issues associated with the Department's initiatives. CJS participates in the Department's Environmental Justice Initiative and is conducting successful mediation activities at Superfund sites. We anticipate the need for additional mediation activities associated with environmental site remediation in minority neighborhoods. CJS joined with the OUSD and the Office of Education in the production of the recently released school conflict resolution curriculum guide. CJS also is continuing its partnership with OUSD and COPS in the youth-focused Community Policing Consultations.

FY 1997 AND FY 1998 PROJECTS

In FY 1997 and 1998, CJS plans to continue its work in the areas described above and focus its services in the following areas:

Reinvigorating Support for Community Policing

CJS will respond to requests from law enforcement entities and communities across this country for assistance in training police officers and community leaders to adopt and implement a collaborative community policing philosophy. These activities support the Administration's crime prevention philosophy, as initially espoused in the Violent Crime Law. They are also consistent with the Attorney General's directive that Department components come together and form a true partnership with local law enforcement.

Addressing Violence in the Nation's Schools

CJS also will maintain its program for the prevention and reduction of racial violence and conflict in our Nation's schools. Teaching children other ways to resolve disputes is a critical element in breaking the cycle of violence. With the growing concern about youth violence, the demand among state and local education officials for the CJS Conflict Management and Resolution (CMR) and peer mediation training programs has increased. Though it would not be possible for CJS to effectively respond to all of the local

educators who are interested in implementing CRR curricula, CRR will target its services to achieve the greatest impact possible.

The proposal conforms with the Attorney General's belief that a thoughtful, common sense approach is necessary to reduce violence. It also conforms with the Administration's desire to attack the problem of escalating youth violence across the country, and is extremely cost-effective when compared with the financial cost of hospitalization or incarceration, the cost in young lives, and the psychological trauma to the children and their families.

Addressing the Escalation of Hate Group Activity

CRR Conciliation resources will assist communities to establish and maintain environments that counter the growth of hate groups (target hardening against domestic terrorists), and which promote quick and effective response to victims of hate activity. CRR will coordinate with various Federal, state, and local entities to provide training and technical assistance on: police-community cooperation in addressing hate activity; building a statewide network and developing a statewide education program; what to do when hate literature is distributed in the community; trends in hate incidents and current hate organizations; police investigations of hate crimes occurring in the community and prosecution and conviction statistics; and responding to victims of hate crimes.

These activities will continue to build upon work CRR has done over the years with coalitions and groups committed to documenting and combatting hate incidents and hate crimes.

CRR's prevention case work directly addresses several of the Administration's major themes, including: empowering state and local government; emphasis on more direct service delivery to the public; cross agency collaboration to strengthen communities and families; expansion of the use of alternative dispute resolution; and enhanced recognition of the value of diversity and support for racial and ethnic harmony in an increasingly diverse society.

ADDITIONAL AREAS OF ANTICIPATED DEMAND FOR CMS MEDIATION AND CONCILIATION SERVICES DURING FY 1997 AND FY 1998

The following is an overview of the challenges CMS expects to face in delivering its conflict resolution and prevention services. It is based on the firsthand assessment submitted by CMS Regional Managers who were asked to undertake an analysis of the demand for CMS services anticipated in their respective geographical jurisdictions.

- I. Community tensions over national changes in immigration enforcement and welfare reform policies may require considerable CMS resources, especially in those communities with large populations of new arrivals and minority groups. Police Chiefs advise CMS that their officers' conflict resolution skill levels will be sorely tested and they expect CMS to equip their officers with enhanced new skills.
- II. Increased demand for CMS mediation services by tribal authorities, state officials and law enforcement involving a variety of issues including tax collection methods, toxic wastes, and intra-tribal tensions.
- III. Police/minority community tensions continue to remain very high in urban areas, indicated by volatile incidents and charges of excessive use of force.
- IV. Requests for CMS services from colleges and universities for CMS intervention to address conflicts between students and faculty and between faculty and faculty stemming from controversial speakers invited to speak on campus are expected to continue. Requests from campus security departments for assistance in preparing their staff to handle these crises to avoid unrest and/or lawsuits are anticipated.
- V. School systems seeking more assistance from CMS in Student Problem Identification and Resolution efforts to head off school disruption growing out of racial conflicts or perceptions are expected to increase for the foreseeable future.
- VI. Tensions over implementation of court ordered school desegregation have not disappeared. For example, school integration has been ordered in the state of Connecticut following a seven year fight. Requests for CMS assistance are anticipated from the U.S. Attorney and school officials in major Connecticut cities.
- VII. Requests for CMS conflict resolution and conciliation services by housing authorities undertaking extensive efforts to disperse public housing residents to resistant areas are expected to increase during FY-97 and FY-98.

- VI. CRS staff expects to assist with efforts undertaken by regional U.S. Attorneys working groups such as church burnings, gangs, and police urban youth initiatives.
- IX. Major national Marches on Washington (such as the 1993 Million Man March and the 1996 Hispanic March) may require multi-regional response by CRS during FY-97 and FY-98.
- X. CRS expects to address racial tensions over issues over Affirmative Action in educational forums and various forms of protest activities or conflict.

Conflict Resolution and Prevention
PROGRAM CHANGES:

	FOIA	FIS	Amount
Program Operations	30	15	\$2,008

The Community Relations Service is requesting a program enhancement of \$2,008,000 to address heightened community racial tensions through the provision of conflict resolution services by conciliation specialists and other staff located primarily in field locations.

The program enhancement is based on independent analyses of racial conflict and projected demands for CRS services. At least 12 riots (disturbances involving 50 or more people engaged in illegal and destructive behavior such as looting, assaults or arson) occurred in 1995, according to a study by criminologist Jack Levin. CRS reports show for FY 1996, 116 incidents of racially motivated violence resulting in injury or serious property damage, and 31 additional incidents of racially motivated violence resulting in serious injury or major property damage. Criminologists project a greater potential for riots based on demographics alone, citing such factors as an expected ballooning of the teenage minority population over the next decade, additional economic dislocation, and higher urban unemployment.

Firehand assessments by CRS Regional Managers. As noted above, project demand for CRS services to help resolve community racial conflict over intensified immigration and drug enforcement activities; volatile incidents and charges of excessive police use of force (e.g., St. Petersburg, Florida disturbances); tribal/state conflicts over tax collection methods and sovereignty issues; campus conflicts over the presence of controversial speakers and status of minority studies programs; and public school tensions growing out of racial conflicts.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Conflict Prevention and Resolution - Program Operations		PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1995 Actual	1997 Target	1997 Actual	1998 Target	1998 Actual
Input	1. Number of alerts filed during fiscal year	1836	783	783	783	1566
	2. Number of alerts carried in court previous fiscal year	578	315	315	315	638
	3. Number of cases opened during fiscal year	951	358	358	358	788
	4. Number of cases carried in from previous fiscal year	451	135	135	135	533
Output/Activity	5. Number of assessments conducted	1557	582	582	582	1164
	6. Number of cases resolved on					
	a. At intake level 5	28	15	15	15	30
	b. At intake level 6	68	83	83	86	86
	c. At intake level 4	308	217	217	434	434
	7. Number of cases in which law enforcement received technical assistance or training					
	8. Number of training programs delivered to professional associations of educators, school district personnel, and/or students	517	96	96	192	192
	9. Number of cases in which CBS work with local law enforcement averted potential violence or disorder	108	11	11	22	22
Intermediate Outcomes	10. Conflict management and resolution skills curriculum or program adopted with CBS assistance	78	42	42	84	84
	a. Number of schools	33	11	11	21	21
	b. Number of school districts	24	6	6	11	11
	11. Percentage of favorable customer responses regarding conflict resolution.*					
	12. Percentage of customers agreeing that information provided in CBS prevention activity was responsive to their needs.† (CERSI, P2)					
End Outcomes*	13. Percentage of cases in which racial/ethnic tension is reduced after conflict resolution intervention					
Predictability/Reliability*						

<p>A. Definitions of Terms or Explanations for Indicators. Clearly identify each term. Assess a low level of familiarity with these indicators.</p> <p>Indicator: a report on an occurrence that could possibly require CERS coverage. "Tension level 6" - Readily mobilized violence resulting in serious injury/property damage. "Tension level 5" - Readily mobilized violence resulting in minor injury/property damage. "Tension level 4" - Public statements by parties, spreading conflict with other parties.</p>	<p>B. Factors Affecting FY 94 Program Performance. Describe reasons for any significant differences between target levels of performance and outcomes of actual performance, whether positive or negative.</p> <ul style="list-style-type: none"> • Implementation of the new computerized CERS has resulted in a period of under-reporting by coordinator staff who require time to master the new technology and application. • FY 94 actual performance levels reflect drastic reduction in agency funding by over 50% resulting in reduction in staff levels to over 50% of the coordinator capacity. • FY 94 staff reductions of over 75% in Headquarters capacity to conduct customer service related surveys, and outcomes, and productivity/efficiency surveys. 	<p>C. Factors Affecting Selection of FY 97, 98, 99 Targets. Provide information on the selection of target levels of performance, where necessary.</p> <ul style="list-style-type: none"> • FY 97 targets continue to reflect drastic reduction in agency funding by over 50% resulting in the reduction of staff levels to over 50% of the coordinator capacity. An on-going effort to maintain the highest possible number of field coordinators to accommodate impacts FY 1996 and FY 1997. The increase in target levels of performance for FY 98 reflects the impact of new coordinator and management and support staff in the FY 98 request.
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Conflict Prevention and Resolution

Management and Administration

1997 Appropriation	0	0	0
1998 Base	0	0	0
1998 Estimate	0	0	0
Increase/Decrease	0	0	0

BASE PROGRAM DESCRIPTION: Conflict Prevention and Resolution - Due to the drastic headquarters downsizing of CRS during 1996, virtually all of the functions of management and administration were transferred through a Comprehensive Memorandum of Understanding (MOU) with the Executive Office of United States Attorneys (EOUSA). Management and administrative functions undertaken for CRS by EOUSA include personnel, procurement, administrative processing, technological, accounting, financial and payment services.

A core of CRS Program Operations leadership staff will continue to provide executive direction and control including strategic and operational planning, coordination, policy development and guidance for program operations.

Community Relations Service
Salaries and Expenses
Financial Analysis - Program Charges
(Dollars in thousands)

Item	Conflict Resolution Pos.	Amount
Grants		
GS-15	1	\$78
GS-14	3	199
GS-12	3	141
GS-11	21	827
GS-9	1	32
GS-7	1	26
Total positions and annual rate	30	\$1,303
Layoff (-)	(15)	(651)
Other personnel compensation		18
Total workyears and personnel		
Compensation	15	\$670
Personnel benefits		189
Travel and transportation of persons		88
Transportation of things		3
GSA rent		180
Rental payments to others		19
Comm., utilities, and misc charges		60
Printing		1
Other services		440
Supplies and materials		30
Equipment		328
Total program workyears and obligations charged requested, 1998	15	\$2,008

Community Relations Service
Salaries and Expenses
Detail of Personnel Positions by Category
Fiscal Year 1996 - 1998

Category	1996	1997	1998
	Authorized	Authorized	Program Changed Authorized
Attorneys (905)	1	1	1
Regional Directors (140)	10	10	10
Senior Conciliation Specialists (301)	17	17	17
Conciliation Specialists (301)	7	7	20
Management/Program Analysts (141)	3	3	3
Program Specialists (301)	1	1	4
General Administrative and Clerical (300-399)	2	2	3
Accounting and Budget (500-599)			
Total	41	41	71
Washington	7	7	16
U.S. Field 1/	34	34	55
Total	41	41	71

1/ Includes positions for field offices in the Washington, D.C. Standard Metropolitan Statistical Area in each year

Community Relations Service
Salaries and Expenses
Summary of Changes
(Dollars in thousands)

Adjustments to base, 1997 in actual	Perm.		Work-		Actual
	Pos.	41	41	41	
Merit increase					
1998 Pay Rate					884
Amortization of 1997 Pay Rate					30
Value grade increase (NYS)					43
Compensation Management System					4
Investigative Reorganization					1
General Pricing Level Adjustment					11
Total, merit increase					813
1998 Base					81,692
Program increase					
Confidential Reassignment					30
1998 Budget					81,722

Community Relations Service
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

	Perm Est.	Work- years	Amount 1987	Amount 1988
1 1988 pay raise. This request provides for the proposed 2.5 percent pay raise to be effective in January of 1988 and is consistent with the Administration policy included in the 1988 President's Budget request. This increase includes locally pay adjustments as well as the general pay raise. The amount requested, \$44,000 represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$74,000 for pay and \$10,000 for benefits).				\$44
2 Amendment of 1987 pay/paid. The pay amendment represents first quarter amounts (October through December) of the 1987 pay/paid of \$10,000. This request includes locally pay adjustments for the first quarter of the year plus appropriate benefits (\$25,000 for pay and \$5,000 for benefits).			30	
3 Within-grade increases. This request provides for the expected increases in costs of within-grade increases. The increase is based on an accurate dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-quarter pay/paid for pay and \$7,000 for benefits.			43	
4 Correspondence Management System. An increase of \$4,000 is requested in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. This new system, provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved recordkeeping, and improved reporting capability.			4	
5 Investigation/Intelligence. Enclosure Order 10450 "Security Requirements for Government Employees" requires that appointments of new officers and employees of the Department of Justice be subject to investigation. The request is for the cost of additional personnel and resources required to conduct the investigation. The request is for the cost of additional personnel and resources required to conduct the investigation. The request is for the cost of additional personnel and resources required to conduct the investigation.			1	
6 General initial local adjustments. This request applies OMB pricing guidance in selected expense categories. The increased costs identified result from applying a factor of 2.5 percent against these subject classes where the price that the Government pays are established through the market system issued at by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and others.			11	
Total Adjustments to base				\$173

Community Relations Service
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1996 Actual /1		1997 as Enacted		1998 Request		Increase/Decrease	
	Pos & Wts.	Amount	Pos & Wts.	Amount	Pos & Wts.	Amount	Pos & Wts.	Amount
GS-15, \$75,935-98,714	15		15		16		1	
GS-14, \$64,333-81,722	20		20		23		3	
GS-13, \$54,828-71,017	5		5		5			
GS-12, \$45,319-59,725					3		3	
GS-11, \$35,809-46,931					21		21	
GS-9, \$21,681-31,181	1		1		1			
GS-8, \$18,481-27,189					1		1	
GS-7, \$15,893-21,467					1		1	
GS-6, \$13,305-19,384								
GS-5, \$10,908-17,181								
1998 Pay Rate								
Total appropriated positions	41	\$5,157	41	\$1,401	71	\$4,864	30	\$1,403
Pay above stated annual rates		13		13		13		13
Lapses					(15)	(606)	(15)	(606)
Savings due to low pay scales for part of year		(8)		(3)		(27)		
Net full-time permanent	41	\$5,162	41	\$1,385	56	\$4,184	15	\$755
Other than permanent								
Part-time permanent								
Temporary employment								
Other personnel compensation								
Overtime	2	23	2	19	2	37		18
Special personal services payments		23						
Total, Workyears & personnel compensation	99	\$5,208	43	\$1,408	58	\$4,221	15	\$815
Average GS Salary		\$74,560		\$66,634		\$57,957		
Average GS Grade		14.70		14.20		13.20		

/1 Includes half year of the Cuban Initiative program FTR.

Community Relations Service
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1996 Actual /1		1997 as Enacted		1998 Request		Increase/Decrease	
	Wyrs	Amount	Wyrs	Amount	Wyrs	Amount	Wyrs	Amount
11.1 Total work years & personnel compensation.....	97	\$5,162	41	\$3,395	56	\$4,184	15	\$793
11.2 (Other than full-time permanent).....
11.3 Other personnel compensation.....	2	23	2	19	2	37	..	18
11.4 Special personnel services payments.....
11.5 Special personnel services payments.....
Total.....	99	5,208	43	3,408	58	4,221	15	813
Other Object Classes								
12.0 Personnel benefits.....	..	845	..	511	..	765	..	254
13.0 Benefits to former personnel.....	..	81	..	21	..	21	..	..
21.0 Travel and transportation of persons.....	..	497	..	340	..	434	..	94
22.0 Transportation of things.....	..	17	..	12	..	15	..	3
23.1 GSA rent.....	..	874	..	453	..	632	..	179
23.2 Rental payments to others.....	..	25	..	15	..	35	..	20
23.3 Comm. util. & other misc. charges.....	..	445	..	250	..	310	..	60
24.0 Printing and reproduction.....	..	2	..	12	..	13	..	1
25.2 Other services.....	..	245	..	159	..	420	..	261
25.3 Purchase of goods & serv from Gov't accounts.....	..	197	..	102	..	276	..	174
26.0 Supplies and materials.....	..	41	..	23	..	30	..	5
31.0 Equipment.....	..	4	..	11	..	28	..	217
Total obligations.....	..	8,481	..	5,319	..	7,500	..	2,181

Relation of Obligations to Outlays:

Total obligations.....	8,481	5,319
Obligated balance, start of year.....	2,781	3,552
Obligated balance, end of year.....	(1,532)	(1,231)
Outlays.....	7,630	7,540

/1 Includes the Cuban Hialeah program workyears and expenses for half of the year prior to the transfer to Immigration Naturalization Service (INS).

Department of Justice
Independent Counsel
Estimates for Fiscal Year 1998
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Independent Counsel Permanent Indefinite Appropriation

Summary Statement

Fiscal Year 1998

In the 1988 Appropriations Act, Congress established a permanent indefinite appropriation to fund the expenses of Independent Counsel investigations and prosecutions. Under this appropriation, all necessary costs and expenses incurred in the pursuit of these investigations will be funded from amounts available in the Treasury.

Independent Counsel investigations were authorized by Congress in the 1978 Ethics in Government Act. The Authorization expired December 15, 1992, five years after the enactment of the Independent Counsel Reauthorization Act of 1987. However, the provisions of the chapter remained in effect for on-going investigations. In June 1994, the Independent Counsel Reauthorization Act of 1994 was signed into law.

The FY 1998 funding estimate includes funding for existing counsel, but does not include the effects of inflation or funding for future counsel.

Legal Activities
Independent Counsel Permanent Indefinite Appropriation
Summary of Requirements
(Dollars in Thousands)

<u>Adjustments to Base:</u>					Amount
1997 President's request					\$9,500
Increase					
1998 Base					<u>9,500</u>
<u>Estimates by budget activity</u>	1996	1997 Enacted	1998	1998	Increase/
	Enacted	Appropriation	Base	Estimate	Decrease
Independent Counsel	\$13,500	\$13,500	\$9,500	\$9,500	...

Note: The 1998 estimate does not include funding for future Independent Counsel investigations.

Legal Activities
Independent Counsel. Permanent Indefinite Appropriation
Program Performance Information
Government Performance and Results Act Requirements

Mission: To implement the provisions of the Ethics in Government Act of 1978 (28 U.S.C. 591 et seq., as amended), pertaining to the appointment and functions of the various Independent Counsel.

Organizational Goals:

1. To investigate allegations of misconduct by high-level officials of the Executive branch whenever a preliminary investigation by the Attorney General results in an application for appointment of an Independent Counsel.
2. To conduct proceedings before grand juries and other investigations.
3. To review all documentary evidence from any source.
4. To initiate and conduct prosecutions in any court of competent jurisdiction, including the framing and signing of indictments, the filing of information, and the handling of all aspects of cases.

Legal Activities
Independent Counsel, Permanent Indefinite Appropriation
Program Performance Information
(Dollars in Thousands)

ACTIVITY: INDEPENDENT COUNSEL

1997 Appropriation Anticipated	\$9,500
1998 Base	9,500
1998 Estimate	9,500
Increase/Decrease	...

BASE PROGRAM DESCRIPTION. Independent Counsel investigations were authorized by Congress in the 1978 Ethics in Government Act. The authorization expired December 15, 1992, five years after the enactment of the Independent Counsel Reauthorization Act of 1987. However, the provisions of the chapter remained in effect for ongoing investigations. In June, 1994, the Independent Counsel Reauthorization Act of 1994 was signed into law.

In order to facilitate functioning of these counsel and maintain their independence from the Department of Justice, a working arrangement was implemented in 1986 between the Administrative Office of the U.S. Courts (AUSC) and the Department of Justice for the administrative support of Independent Counsel investigations. In a letter of agreement between the Department and AUSC, the Department was responsible for funding the appropriate costs of any Independent Counsel, while AUSC was responsible for the disbursement and accounting of such funding. The Independent Counsel Reauthorization Act of 1994 directs AUSC to provide administrative support and guidance to each Independent Counsel.

The Department provides funding periodically to AUSC. This funding is available to pay the appropriate costs of any active Independent Counsel. Under P.L. 100-202, an Act making further

continuing appropriations for 1988, a permanent indefinite appropriation was established. This authorization is included within the General Legal Activities appropriation language (101 Stat. 1329-9). All necessary funding is to be provided from general funds in the Treasury on an as needed basis. The Congress has directed the Comptroller General to conduct semiannual financial audits.

	INDEPENDENT COUNSEL INVESTIGATIONS COSTS			
	Subject	Outcome	FY Begun	Cost
COMPLETED: Special Counsel Paul J. Curran	Improper financial transactions between the Carter Peanut Warehouse and the National Bank of Georgia		1979	\$162,809
Independent Counsel				
Arthur H. Christy	Illegal drug use by Hamilton Jordan, President Carter's chief-of-staff	Insufficient evidence	1981	181,938
Gerald Gallinghouse	Illegal drug use by Tim Kraft, Carter's national campaign manager	No basis for prosecution	1981	3,348
Leon Silverman	Alleged improper business relationships between Labor Secretary Raymond Donovan's firm and organized crime figures	Insufficient evidence	1982	326,444
Jacob Stein	Impropriety of AG Edwin Meese III involving financial transactions and appointments of business associates to federal jobs	No basis for indictment	1984	311,848
Independent Counsel:				
Harper	Alleged willful failure to file an income tax return, subject's name under seal;	No indictment	1987	44,498
Leon Silverman	Reappointed in 1985 under court seal to investigate Raymond Donovan on same subject	Insufficient evidence	1989	7,205
Sealed			1989	17,087
Alexia Morrison	Former AAG Theodore Olson giving false testimony before Congress	No basis for indictment	1986	1,514,891

¹ Costs for Counsel established after 1986 reflect expenditures reported by Administrative Office of US Courts.

² Charles Fauh originally appointed to investigation resigned shortly after because he didn't like certain potential restrictions on his legal practice.

³ James McKay originally appointed to investigation resigned a month later to avoid a conflict of interest.

INDEPENDENT COUNSEL INVESTIGATIONS COSTS				
Independent Counsel	Subject	Outcome	FY Budget	Cost
Whitney Seymour	Violation of federal conflict-of-interest laws by former White House aide, Michael Deaver	Conviction	1986	1,469,650
James McKay	Edwin Meese III (2nd investigation) Violation of criminal laws by Franklyn Nofsinger on behalf of the Medtech Corp.	No indictment Conviction Overtaken	1987 1987 1987	2,576,648 ¹
Sealed			1991	87,377
ONGOING COSTS:				
Lawrence Walsh	Secret sale of weapons to Iran and the diversion of profits to assist U.S.-backed Nicaraguan rebels, several defendants involved	Convictions/ Pardons	1987	Cost as of <u>11/30/95</u> 39,007,705 ¹
	Sensitive Compartmented Information Facility			2,363,529 ¹
Arlin Adams Larry Thompson (6/1/95)	Conspiracy to defraud the U.S. by Samuel Pierce and other HUD officials involving the Dept.'s rehabilitation program	Guilty pleas/ Convictions Fines collected	1990	21,648,350
diGenova	Violation of the law and cover up of knowledge of the preselection search of President Clinton's passport files by White House Officials	No indictment	1993	2,506,091
Starr	Violation of any federal criminal law relating to what has become known as the "Whitewater Affair" several defendants involved	Indictments/ Guilty pleas Ongoing	1994	12,177,494
Smaltz	Violation of Federal laws by Agriculture Secretary Mike Sapy for accepting gifts from regulated Co.	Guilty plea Ongoing	1994	7,473,552

¹ Cost breakdown between the two investigations are estimated at 50%/50%.

² An additional \$98 thousand has been charged directly against the permanent indefinite IC appropriation. In April 1995, \$180 thousand was credited to the account due to a reimbursement from the Judgement Fund for attorney fees.

³ An additional \$3,067 thousand has been charged directly against the permanent indefinite IC appropriation.

INDEPENDENT COUNSEL INVESTIGATIONS COSTS

Independent Counsel	Subject	Outcome	EX Begun	Cost as of 11/10/95
Barrett	The criminal concealment of information about payments to his former mistress by HUD Secretary Henry Cisneros.	Ongoing	1995	\$2,264,630
Pearson	Violation of Federal laws by Commerce Secretary Ronald Brown for accepting more than \$400,000 from a business partner and filing inaccurate financial disclosure statements.	Transferred to Justice Dept.	1995	\$2,192,010

NOTE: Expenditures for temporary hires working in AGUSC's personnel office on Independent Counsel employees' retirement related matters total \$451,627.

Revised January 1997

Total Activities
Civil Liberties Public Education Fund
Estimates for Fiscal Year 1998
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Legal Activities
Civil Liberties Public Education Fund
Summary Statement
Fiscal Year 1998

The Civil Liberties Act authorized a total funding level of \$1.65 billion. This fund is used for two purposes: to make redress payments of \$20,000 each to Japanese-Americans who were interned, evacuated, or relocated during World War II; and, to fund educational activities about the internment and evacuation to prevent the recurrence of any similar event. Funds are available until August 1998, the sunset date of the legislation.

No additional funds are being requested for 1998. Outlays for both payments to eligible individuals and Board related expenses, for 1997 and 1998, will be paid from available no-year funding.

Legal Activities
 Civil Liberties Public Education Fund
 Crosswalk of 1997 Changes
 (Dollars in Thousands)

Activity/Program	1997 President's Budget Request		Reprogrammings		1997 as Enacted	
	Pos.	WY Ant.	Pos.	WY Ant.	Pos.	WY Ant.
Civil Liberties Public Education Fund Total	-	-	-	-	-	-

Legal Activities
Civil Liberties Public Education Fund
Summary of Requirements
(Dollars in thousands)

<u>Adjustments to Base:</u>		<u>Perm. Work-</u>	
		<u>Pos.</u>	<u>years</u>
1997 as enacted	1.0	1.0	1.0
1998 Estimate	1.0	1.0	1.0

	<u>1997 as Enacted</u>		<u>1998 Base</u>		<u>1998 Estimate</u>		<u>Increase/Decrease</u>	
	<u>Pos.</u>	<u>WY</u>	<u>Pos.</u>	<u>WY</u>	<u>Pos.</u>	<u>WY</u>	<u>Pos.</u>	<u>WY</u>
Civil Liberties Public	1.0	1.0	1.0	1.0	1.0	1.0	0.0	0.0
Education Fund	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	1.0	1.0	1.0	1.0	1.0	1.0	0.0	0.0

[illegible]

Legal Activities
Civil Liberties Public Education Funds
Justification of Program and Performance
(Dollars in thousands)

	Perm. Pos.	FTE	Amount
Civil Liberties Public			
Education Fund			
1997 Availability
1998 Base
1998 Estimate
Increase/Decrease

BASE PROGRAM DESCRIPTION: The Civil Liberties Act of 1988 authorizes the appropriation of funds to establish a fund in the Treasury of the United States, Public Law 101-161, enacted November 21, 1989, established the fund as an entitlement program. The Civil Liberties Amendments Act of 1994 authorized an additional \$400 million, providing a total funding level of \$1.65 billion. Funds are available until expended.

This fund is used for two purposes: to make redress payments of \$20,000 each to Japanese-Americans who were interned, evacuated, or relocated during World War II, and, to fund educational activities about the internment and evacuation to prevent the recurrence of any similar event. Both activities are authorized by the Civil Liberties Act of 1988.

The redress provisions of the Act are administered by the Civil Rights Division. The General Services Administration (GSA) provides support for the educational activities, which is administered by a board appointed by the President.

OPA's workload includes making eligibility determinations on the remaining unique cases, and disbursing payments to eligible individuals. OPA has disbursed over 97 percent of the \$1.645 billion available, representing 80,120 cases. Additionally, OPA continues to monitor a helpline and respond to correspondence from individuals inquiring about the status of their claim. OPA continues its aggressive outreach efforts in the Japanese-American community, which have included several workshops around the country, and regular contact with community leaders through monthly updates and press releases. OPA also distributes pamphlets and other materials to the public with information regarding the redress program and unknown individuals.

OPA's goals for 1997 and 1998 include locating the remaining 3,100 individuals for whom OPA has been unable to gather current information in relation to OPA's historical records. OPA is required by the Act to account for each of these individuals. OPA also plans to make final legal determinations on approximately 400 unique cases. In addition, OPA will continue developing a phase-down plan for its operations, as the

program has a sunset date of August 1998. All computerized and hard-copy historical records relating to the interim period will be archived as part of this plan.

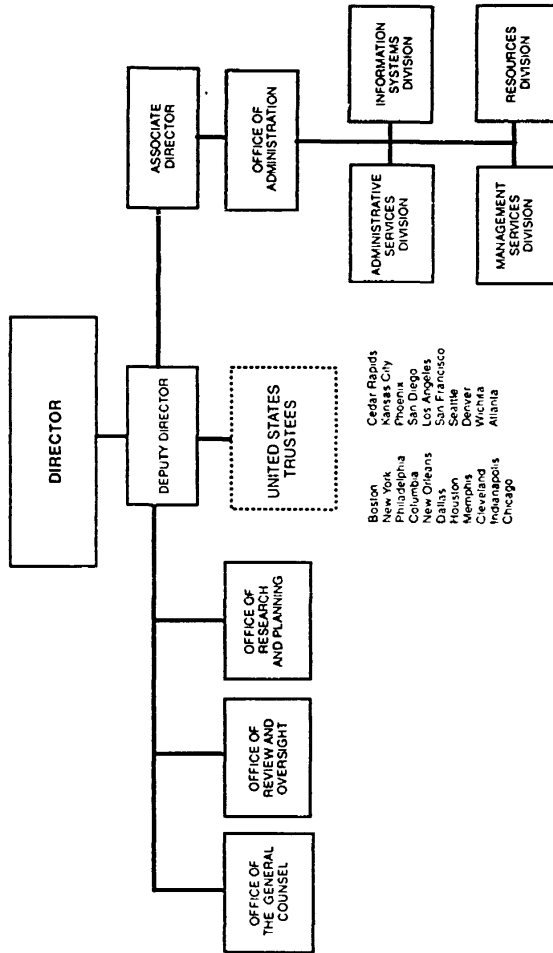
A July 6, 1995, Federal Appeals Court reversal in the case of *Douglas L. Ishida v. United States* will affect the eligibility of nearly 1,300 cases. Based on the adverse court decision substantial manpower support will be required to review these cases. Since approximately 3,000-5,000 other individuals, not currently identified, may file similar claims, the increase in the FY 1997 outlay projection is mostly attributed to approximately 1,000 cases which are expected to be eligible for redress based on the *Ishida* decision. Work has been completed on these cases and the Department is currently reviewing them. The Department is working on regulations making these cases eligible and published in the Federal Register. We anticipate the regulations will be finalized in February 1997 and payments will be made during the remainder of the fiscal year.

Further, another lawsuit, *Marion Kanemoto, et al. v. William Barr, et al.*, No. C92-20610, was filed on March 22, 1995. This case involves 14 plaintiffs who were minor children during the war and who were relocated to Japan with their parents. The Act excluded from eligibility any person who returned to Japan during the war. However, based on the Department's new legal interpretation of this statutory language that only those persons who returned voluntarily are ineligible, the minor children who returned involuntarily to Japan are now eligible for redress. Thus the lawsuit was stayed and regulations were finalized to make this category of claimants eligible. This regulation made about 130 current claims eligible for redress. OHA is unable to project the number of additional eligible persons, who have not yet contacted OHA, because of the lack of data. With some of the historical records, but may have as many as 200 additional cases not currently identified.

**United States Trustee System Fund
Salaries and Expenses
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EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES



Approved by *Janet Reng* Date *12/18/86*
 JANET RENG
 Acting General

**United States Trustee Program
Salaries and Expenses
Summary Statement
Fiscal Year 1998**

The United States Trustee Program for 1998 is requesting \$116,721,000 in new offsetting collections authority, 1,145 positions and 1,068 workyears. This amount, along with an estimated \$3,000,000 in excess 1997 offsetting collections available for obligation on October 1, 1997, will bring the Program's total funding authority to \$119,721,000. This request represents an increase of \$10,594,000, 100 positions, and 51 workyears over the 1998 base level.

Mission: The United States Trustee Program acts in the public interest to promote the efficiency and to protect and preserve the integrity of the bankruptcy system. It works to secure the just, speedy, and economical resolution of bankruptcy cases; monitors the conduct of parties and takes action to ensure compliance with applicable laws and procedures; identifies and investigates bankruptcy fraud and abuse; and oversees administrative functions in bankruptcy cases.

Accomplishments: The fall of 1996 marked the ten-year anniversary of the permanent establishment of the United States Trustee Program as the independent agency responsible for overseeing the administration of bankruptcy cases.¹ As the Program enters its second decade, the National Bankruptcy Review Commission is proceeding with its charter to investigate and study issues and problems relating to the Bankruptcy Code and to report back to the Congress, the Chief Justice, and the President with its findings, conclusions and recommendations. It is interesting to note that the one subject that has not been discussed or even suggested as an agenda item of the Commission is the problem of "cronyism, bankruptcy rings, and insider appointments" that infested and infected the system prior to the establishment of the U. S. Trustee Program.

Those words which at one time dominated every discussion of bankruptcy reform, every report on the bankruptcy system, and every bankruptcy scandal, are no longer a part of the vocabulary of bankruptcy reform. The Program has carried out its intended role as the watchdog over the bankruptcy system, eliminating the costly, conflicting relationships that in past days polluted the bankruptcy process and undermined its integrity.

The National Academy of Public Administration concurred with this conclusion in its 1995 Report, "Alternative Structures for the United States Trustee Program," when it stated--

¹ The Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (P.L. 99-554).

² The Donovan Report of 1931; the Thatcher Memorandum, transmitted to Congress in 1931; and the Report of the Commission on the Bankruptcy Laws of the United States, 1973.

...the USPT was established to improve bankruptcy administration and to increase the public's confidence in the bankruptcy system. The overwhelming weight of testimonial evidence supports the conclusion that the program has achieved this primary mission.

The Program has taken significant steps to build upon its achievements and to improve its work:

- We have increased access to program operations and policies by actively soliciting and welcoming outside comments and constructive suggestions from the bankruptcy bench and bar, national bankruptcy associations, and the general public.

An Advisory Board has been created where bankruptcy judges join with U. S. Trustees to review comments, receive presentations from the bench and bar, and discuss policies and initiatives.

For the first time in its history, the Program has solicited public comment on its policies, (e.g., the Professional Fee and Expense Guidelines, and the Chapter 13 Ethical Standards). These policies have been revised to incorporate the comments and suggestions received. We will continue to seek public comment from the bar and other bankruptcy professionals during the early stages of policy development.

- The Program is working to move cases through the system more quickly.

In Chapter 7, a system to identify old cases has been in place since 1992, and the percentage of our caseload that is considered old (after 3 years) has been reduced from 17.2 percent in April 1992 to 3.3 percent in October 1996.

In Chapter 11, we are trying to replicate the success we have had in closing old chapter 7 cases. In the past in chapter 11, our practice has been to wait for evidence that a case is languishing before moving to dismiss or convert the case to a chapter 7. With better analysis, staff will seek early identification of hopeless cases or those that are "dead on arrival". If there is no hope that the debtor will successfully reorganize, early identification is critical to prevent cases from languishing and assets from dissipating. Our training has been redesigned to focus not only on bankruptcy law, but also on the dynamics of the bankruptcy process.

- We have begun a review of our statistics and data collection resources to determine what we currently collect, what we can reasonably expect to collect, and how we can use that information to produce benefits for the program through performance measurement, for the entire bankruptcy system, and for the public.

1996 Initiatives: By virtue of its unique position in the bankruptcy system, the United States Trustee Program has tremendous potential for future achievements. We are involved in every bankruptcy case from the time it is filed until it is finally closed. In its short history, we have made significant progress. This budget submission looks to the future to address the needs of the Program and the bankruptcy system. The Program's 1996 budget request, funded entirely from offsetting collections, requests the following enhancements:

- Caseload Initiative: \$4,952,000, 80 positions (35 attorneys), and 40 workyears to meet the historic increase in bankruptcy filings that exceeded 1.1 million filings during fiscal year 1996;
- Bankruptcy Fraud Initiative: \$1,049,000, 35 positions (12 attorneys), and 8 workyears to professionalize our efforts against fraud and address high profile issues in bankruptcy;
- National Bankruptcy Research Database: \$1,424,000, 2 positions, and 1 workyear to develop a National Bankruptcy Research Database that will provide a panoramic statistical view of the entire bankruptcy system;
- Automated Fee Application Review: \$2,000,000 to expand the Automated Fee Application Review Project to a number of large and small chapter 11 field offices;
- Security: \$608,000 to provide improvements in security at Program offices and meeting rooms throughout the country;
- Private Trustee Electronic Interface: \$700,000 to develop an electronic interface to facilitate the exchange of bankruptcy case data between private trustees and the United States Trustee Program and to increase the flexibility of the Program's oversight;
- Improved Criminal Database Access: \$104,000, 2 positions, and 1 workyear to improve criminal database access through agreements with the Financial Crimes Enforcement Network (FINCEN) at the Treasury Department and other organizations and agencies;
- Electronic Freedom of Information Act (FOIA) Access: \$257,000, 1 position, and 1 workyear to permit the Program to meet statutory requirements to respond to FOIA requests through the electronic transfer of data and documents.

United States Trustee System Fund

Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

United States Trustee System Fund

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), [\$107,950,000], to remain available until expended and to be derived from the United States Trustee System Fund. Provided, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors. Provided further, That notwithstanding any other provision of law, [\$107,950,000], \$116,721,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended. Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year [1997], so as to result in a final fiscal year [1997] appropriation from the Fund estimated at \$0. Provided further, That any such fees collected in excess of [\$107,950,000], in fiscal year [1997], shall remain available until expended but shall not be available for obligation until October 1, [1997], \$116,721,000 1998

[Public Law 104-208, Department of Justice Appropriation Act, 1997]

Explanation of Changes

No substantive changes are proposed

United States Trustee System Fund
Salaries and Expenses
Crosswalk of 1997 Changes
(Dollars in Thousands)

Activity/Program Direct Authority:	1997 President's Budget Request		Congressional Appropriation Actions on 1997 Request		Reprogrammings		1997 as Enacted	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
1. Administration of Cases.....	638	657	638	(657)				
2. Management and Administration.....	48	49	(48)	(49)				
Total.....	686	706	(686)	(706)				
Offsetting Collections:								
1. Administration of Cases.....	357	342	638	657			995	999
2. Management and Administration.....	2	2	48	49			50	51
Total.....	359	344	686	706			1,045	1,050
Total Authority:								
1. Administration of Cases.....	995	999					995	999
2. Management and Administration.....	50	51					50	51
Total.....	1,045	1,050					1,045	1,050

Congressional Appropriation Actions: The FY 1997 Appropriations Act amended 28 U.S.C. 589a to redefine all fees collected by the United States Trustee Program as offsetting collections.

United States Trustee System Fund
Operating and Expenses
Summary of Revenues and
Disbursements
(Dollars in Thousands)

	1997 Availability		1997 Actual		1997 as Enacted		1998 Base		1998 Estimate		Increase/Decrease	
	Perm.	WY	Perm.	WY	Perm.	WY	Perm.	WY	Perm.	WY	Perm.	WY
Mandatory increases	1,045	1,050	1,045	1,050	1,045	1,050	1,045	1,050	1,045	1,050	1,045	1,050
Decreases (automatic, non-policy)												
1998 Base												
Program changes (see program narrative for details)												
Net income for collections												
1998 Estimate	1,145	1,068	1,145	1,068	1,145	1,068	1,145	1,068	1,145	1,068	1,145	1,068
Estimates by Program												
DIRECT AUTHORITY												
1. Administration of Cases	675	675	675	675	675	675	675	675	675	675	675	675
2. Management and Administration	50	50	50	50	50	50	50	50	50	50	50	50
Total	725	725	725	725	725	725	725	725	725	725	725	725
OFFSETTING COLLECTIONS												
1. Administration of Cases	380	380	380	380	380	380	380	380	380	380	380	380
2. Management and Administration	2	2	2	2	2	2	2	2	2	2	2	2
Subtotal	382	382	382	382	382	382	382	382	382	382	382	382
Less: Excess Fee Collections	355	357	355	357	355	357	355	357	355	357	355	357
Total	27	25	27	25	27	25	27	25	27	25	27	25
TOTAL AUTHORITY												
1. Administration of Cases	1,055	1,055	1,055	1,055	1,055	1,055	1,055	1,055	1,055	1,055	1,055	1,055
2. Management and Administration	50	50	50	50	50	50	50	50	50	50	50	50
Subtotal	1,105	1,105	1,105	1,105	1,105	1,105	1,105	1,105	1,105	1,105	1,105	1,105
Less: Excess Fee Collections	1,110	1,062	1,110	1,062	1,110	1,062	1,110	1,062	1,110	1,062	1,110	1,062
Total	1,110	1,062	1,110	1,062	1,110	1,062	1,110	1,062	1,110	1,062	1,110	1,062
Other Workyears												
Overtime												
Total compensable workyears	1,087	1,087	1,087	1,087	1,087	1,087	1,087	1,087	1,087	1,087	1,087	1,087

NOTE: The United States Trustee Program anticipates it will collect \$3 million more in fees than it is authorized to use in FY 1997. FY 1997 appropriations language makes those fees available for obligation October 1, 1997. The \$3 million in excess fee collections is used to partially fund 1998 enhancements.

**United States Trustee System Fund
Salaries and Expenses
Program Performance Information
Government Performance and Results Act Requirements**

Mission: The United States Trustee Program acts in the public interest to promote the efficiency and to protect and preserve the integrity of the bankruptcy system. It works to secure the just, speedy, and economical resolution of bankruptcy cases; monitors the conduct of parties and takes action to ensure compliance with applicable laws and procedures; identifies and investigates bankruptcy fraud and abuse; and oversees administrative functions in bankruptcy cases.

General Goals: The primary goals of the United States Trustee Program ("the Program") are --

1. To assure that bankruptcy cases are administered with dispatch and that all parties comply with their legal obligations.
2. To assure that the cost of administering bankruptcy cases is appropriately monitored so that it is economical and expeditious, that assets are not dissipated, and that distributions to creditors are maximized.
3. To assure that private trustees adhere to fiduciary standards and observe consistent national procedures and policies and to assure that violations of applicable criminal laws are referred to law enforcement and regulatory agencies.

United States Trustee System Fund
Salaries and Expenses
Program Performance Information
(Dollars in thousands)

ADMINISTRATION OF CASES		Pos.	FY	Amount
Offsetting Collections				
1997 Appropriation Anticipated.....		995	999	\$99,895
1998 Base.....		995	967	100,894
1998 Requirements.....		1,090	1,015	111,012
Increase/Decrease.....		95	48	10,118
Less Excess Offsetting Collections.				(11,000)
1998 Estimate.....				108,012

BASE PROGRAM DESCRIPTION: The Administration of Cases Decision Unit has a base program of 995 positions (198 attorneys), 967 workyears, and \$100,894,000. The United States Trustee Program is entirely funded through fees paid by participants in the bankruptcy system. The Fiscal Year 1997 Appropriations Act reclassified all of the fees collected by the Program as offsetting collections. Thus, all funding requested for fiscal year 1998 is from offsetting collections. The Program estimates it will collect \$3,000,000 more in offsetting collections during fiscal year 1997 than it has the authority to spend. The 1997 Appropriations Act makes those excess offsetting collections available for obligation on October 1, 1997. The 1997 excess offsetting collections have been used to partially fund the requested fiscal year 1998 enhancements.

The Bankruptcy Reform Act of 1978 established the United States Trustee Program on a pilot basis in 18 Federal judicial districts. With the enactment of the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act of 1986 (P.L. 99-554), the United States Trustee Program was expanded nationwide to 88 Federal judicial districts. The six judicial districts of North Carolina and Alabama are exempt from the Program until the year 2002.

The major thrust of these nationwide reforms was to separate the adjudicative and administrative functions in bankruptcy cases. Congress created one agency with responsibility for the administration of bankruptcy estates and to serve as a "watchdog" over the entire bankruptcy process. The Program completed its nationwide expansion in 1989 under the transitional provisions of the 1986 Act. Currently, the Program operates 93 United States Trustee offices nationwide which are responsible for the oversight of over one million bankruptcy cases.

PROGRAM CHANGES		Pos.	FY	Amount
Caseload Increase.....		80	40	\$4,952

This initiative seeks to address the following objectives:

to ensure that bankruptcy cases are administered with dispatch and that all parties comply with their legal obligations.

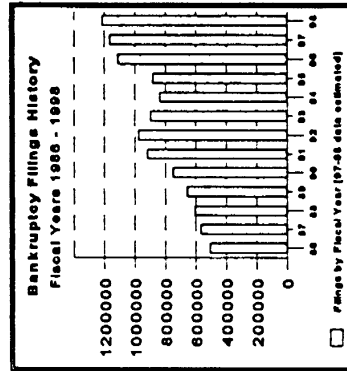
to ensure that attention is paid to the administration of those cases where creditor interest is lacking.

This initiative requests 80 positions, 40 workyears (25 attorneys), and \$4,952,000 in offsetting collections funding to address the increase in bankruptcy filings that will occur over the 1996 - 1998 period in chapters 7 and 13 and the increase in the chapter 11 workload due to new post confirmation responsibilities. The request includes 25 attorneys, 25 bankruptcy analysts, 15 paralegals and 15 legal clerks.

In 1996, consumer bankruptcy filings increased at unprecedented rates, resulting in filings in excess of 1.1 million. The increase was initially detected during the first quarter of calendar year 1996. United States District Court Judge Paul A. Magnuson, Chairman of the Committee on the Administration of the Bankruptcy System for the Judicial Conference of the United States, testified before the Senate Judiciary Committee in April 1996, that bankruptcy filings for the first quarter of the calendar year increased by 25 percent over first-quarter 1995 filings.

This data was buttressed by an independent study completed by MasterCard International and reported in the *Wall Street Journal* on May 8, 1996, which found that bankruptcy filings rose 27 percent between January 1 and April 28, 1996, the largest 4-month rate of increase since 1986. The increase in filings continued throughout the year, resulting in more than one million bankruptcy case filings during the 12 months ending June 30, 1996.

This was the first time in history that there have been more than one million filings in a 12-month period. The previous 12-month high occurred in the 12 months ending September 30, 1992 when 977,434 cases were filed. Filings for the 12-months ending September 30, 1996, continued their upward trend with actual filings for that period totaling 1,111,917. Current estimates indicate bankruptcy filings, driven by very high levels of consumer debt, will continue to increase. Thus, the United States Trustee Program will face significant caseload increases over the next several years.



Filing statistics also indicate that the overall downturn in chapter 11 has abated. An analysis of individual judicial districts, shows that the rate of increase is substantial in some of our traditionally larger chapter 11 districts. During fiscal year 1996, chapter 11 filings grew by 30 percent in New York City, 37 percent in Baltimore, 11 percent in Chicago and 23 percent in Seattle.

Historically, bankruptcy filings ebb and flow. In the 16 years since 1980 for which there is actual data, total filings have increased in 12 of those years. Decreases occurred over the two-year period from 1982-1984 and again over the two-year period from 1992-1994. Since enactment of the Program's nationwide expansion legislation in 1986, total bankruptcy filings have grown by 119 percent from 507,544 in 1986 to 1,111,917 in 1996.

Filing increases seriously impact the responsibilities of the United States Trustee Program. The Program carries out its mission through two basic areas of responsibility:

- The non-discretionary tasks necessary to move the growing volume of cases through the bankruptcy courts serve to promote efficiency and help ensure the speedy resolution of bankruptcy cases; and
- Our supervisory responsibilities as the Bankruptcy Watchdog serve to protect and preserve the integrity of the bankruptcy system by requiring that participants in the system adhere to the standards of the law.

As filings increase, the administrative tasks grow proportionately and the important steps that the Program has taken to improve the integrity of the bankruptcy system are subsumed by the burgeoning caseload. Unlike other organizations, the workload of the United States Trustee Program is uncontrollable. The Program cannot decline cases and must perform certain tasks in every single bankruptcy filing. Every case must be reviewed before it closes to ensure that all assets have been disclosed and that estate funds are properly paid out to creditors. Until the time that a case is physically closed, no estate money can flow back into the system. The 14 percent growth in authorized staff that has occurred since our nationwide expansion is simply not sufficient to handle a 119 percent growth in caseload. In addition, the Program has sustained large cuts in on-board staff over the last several years. The FY 1997 budget included a reduction of 65 positions. Those reductions coupled with attrition and streamlining efforts have resulted in reductions of nearly 200 positions since FY 1993.

Without a modest increase in staff to address the additional caseload, our critical supervisory role will be diminished with a resultant decrease in system integrity. The increase in caseload per private trustee raises the possibility of mistakes, undue delays, or even embezzlements. Yet, as risks reach new heights, the Program's ability to confront these situations is constrained. Program staff will be so busy simply moving the growing caseload through the system that the more time consuming, supervisory responsibilities will simply fall by the wayside. Already, many of our offices are becoming dysfunctional as core staff leaves and hiring freezes prevent their replacement.

The Program's growth has also not kept pace with the growth in bankruptcy judgeships. There are presently 326 sitting bankruptcy judges, and the bankruptcy courts have requested the establishment of an additional 11 judgeships. The

current ratio of 1 attorney to every 1.6 bankruptcy judges causes tremendous pressure on our staff to meet the demands of the courts. Program attorneys are expected to actively participate in bankruptcy court hearings. Yet, it becomes increasingly difficult to manage those responsibilities when the courts sit in more than 200 locations than the Program has offices and attorneys in some areas are expected to appear in more than one case at a time.

The Program's workload is also impacted by its responsibilities for post-confirmation chapter 11 cases, those cases that have had reorganization plans confirmed by the bankruptcy court. These responsibilities include debtor oversight to assure required reports are filed, payments to creditors made, and plan provisions complied with. The 1996 appropriation included legislative language to extend chapter 11 quarterly fees into the post-confirmation stage. This legislative change was made at the request of the Program; however, the 1996 budget submission also included a request for an additional 37 positions and 19 workyears to meet those new responsibilities. No additional personnel resources were approved in the 1996 enacted appropriation. In fact, the Program's final appropriation was \$699,000 less than its FY 1995 enacted level and \$4.8 million below its 1996 base. Thus, the Program's responsibilities have grown while its personnel resources have diminished.

Finally, it is critical that the Program intensify its oversight of trustees who are appointed to serve in chapter 11 cases. There have been a number of instances in which the performance of trustees appointed in chapter 11 cases has been questioned and justifies the need for more intensive oversight.

The modest number of additional positions requested in this initiative will help to meet the additional responsibilities assumed by the Program (both in terms of post-confirmation responsibilities and increased responsibilities in the area of debtor fraud), as well as addressing the projected caseload increases. It is critical to ensuring that the United States Trustee Program has the resources necessary to continue to fulfill its role as the bankruptcy watchdog.

Bankruptcy Fraud.....	Pos.	FTE	Amount
	15	8	\$1,049

This initiative seeks to address the following objective:

eto assure that violations of applicable criminal laws are referred to law enforcement and regulatory agencies.

This initiative requests 15 positions (12 attorneys), 8 workyears and \$1,049,000 in offsetting collections to address high profile issues in bankruptcy fraud such as health care fraud, fraud against the low income and elderly and environmental fraud. The positions would be used to increase the professionalism of the Program's bankruptcy fraud efforts through the establishment of a national team of bankruptcy fraud specialists whose expertise would be available across Program regions to support the investigation of bankruptcy fraud. It would also include the hiring of an individual to coordinate this fraud component.

On February 29, 1996, the Attorney General announced Operation Total Disclosure, a nationwide cooperative law enforcement effort aimed at prosecuting bankruptcy fraud. In announcing this new initiative, the Attorney General noted that, "Our economy depends on there being a trustworthy system that protects lenders and is fair to everyone. Bankruptcy fraud victimizes all of us."

This new cooperative initiative combines the investigative efforts of the United States Trustee Program with those of the United States Attorneys, the Federal Bureau of Investigation, the litigating divisions of the Department of Justice, the Postal Inspection Service and the Internal Revenue Service in identifying and prosecuting bankruptcy fraud. It also provides joint training to participating agency staff to improve the investigative skills needed for cases involving financial fraud.

The initial success of Operation Total Disclosure has demonstrated that fraud in the bankruptcy system is widespread. The Program is increasingly urged by others (e.g., judges, trustees, national creditors' organizations) to do more to identify fraud and ensure that its perpetrators are sanctioned.

Where in the past the lightning rod of bankruptcy reform was the need to abolish "cronyism, bankruptcy rings and insider appointments," it is now the need to eliminate the widespread existence of debtor fraud. It is imperative that the Program respond to this threat to the system. Failure to do so will seriously undermine the underlying basis of our bankruptcy system -- that our national economic well-being is enhanced if those who encounter serious financial difficulties are provided a reasonable opportunity to restructure their financial affairs and repay their creditors.

The Program must increase its efforts to identify those large number of cases in which those who seek the protection of the bankruptcy system also contribute to its downfall by hiding assets or engaging in other illegal activities. Where appropriate, criminal referrals to other investigative and prosecutive agencies must be made. It is also critical that the imposition of civil remedies and sanctions are explored. Those individuals who willfully flaunt the law and undermine the integrity of the system must be held accountable for their actions. Civil remedies if appropriately applied can be an effective tool for demonstrating that fraudulent activities will not be tolerated.

This initiative will also address specific areas of bankruptcy fraud, including those scams which prey on the most vulnerable of our citizens, the low-income and elderly.

Health Care Fraud: In the last few years, there have been an increasing number of bankruptcy cases involving health care and welfare fraud. Chapter 11 reorganization petitions are often filed by perpetrators in these schemes to allow their activities to continue and to stall investigations of their actions. Examples of health care and welfare fraud include:

- **Bogus Health Care Plans** where the perpetrator establishes a bogus or grossly under-capitalized insurance plan to provide health care to individuals or companies at very favorable rates with no intent to provide services or pay claims;

•**Theft of Employee Contributions for Health Insurance** where the employer deducts the employee's share of insurance premium but does not remit the funds to the insurance company;

•**Sham Facilities** where nursing homes, shelters, drug rehabilitation programs, and other health-related homes are set up to secure federal and state funding but provide little or no service to the clients and convert the funds received for their own use. Often the perpetrators require clients to sign over their food stamps and welfare checks in order to remain at the shelter.

The Program has been able to identify these health care fraud schemes using a number of common characteristics in analyzing the cases. Some of these include complaints of poor or non-existent services, adverse publicity about the operations, the existence of ongoing investigations by state or federal regulators, failure to maintain normal books and records, the existence of unlicensed facilities, and the failure to remit deductions from employee paychecks to an insurance company.

Region 21 (Atlanta) has recently reported two cases involving health care fraud. The Augusta, Georgia-based Healthmaster Home Health Care, Inc., was sold at bankruptcy auction last year, after its owner pled guilty to Medicare fraud charges. In addition, the nation's largest private home-health care company, First American Health Care of Georgia, Inc., and its 30 subsidiaries in 23 states, filed chapter 11 petitions in the U. S. Bankruptcy Court for the Southern District of Georgia after a federal jury in Savannah found a co-owner guilty of 60 charges involving inflated bills submitted to Medicare which accounted for 97 percent of First American's annual revenues.

•**Fraud Against the Low Income and Elderly:** Petition mills and equity scams are a growing area of concern in bankruptcy because they prey on unsuspecting low income or elderly individuals in financial distress and offer a "too good to be true" solution to the individual's problems. Generally, the victim of the scheme is not aware that bankruptcy is part of the solution.

The individual running a petition mill or equity scam is a self-styled, unlicensed financial advisor/paralegal/eviction counselor who solicits clients from eviction and foreclosure publications. The perpetrator promises to help people with their financial problems suggesting that mortgage rates can be lowered, interest rates reduced, car payments lowered, and evictions or foreclosures halted. Examples of such fraudulent scams include:

•**Financial Counseling Skim:** Homeowners whose properties are in foreclosure are contacted and told that the consultant will find a new lender to take over the delinquent mortgage. The homeowner is instructed to make mortgage payments to the consultant who fails to refinance the mortgage, keeps the victim's payments and files bankruptcy, many times without the victim's knowledge.

•**Property Title Skim:** In this fraudulent scheme, the perpetrator will convince the victim to deed his home over to him for little or no cash. The victim then pays rent to the perpetrator who does not pay the existing mortgage or seek new financing. Bankruptcies are filed to delay foreclosure. The end result is the victim loses his home.

Eviction Mills: Individuals or companies prey on tenants/owners about to be evicted from their apartments or homes. The mill holds itself out as an eviction counseling service and, instead of providing actual eviction defense services, will file a bankruptcy in the tenant's/owner's name to stay eviction. Often the tenant/owner does not even know that a bankruptcy has been filed or that he will be evicted once the stay is lifted or the bankruptcy dismissed.

The U. S. Trustee Program has been successful in breaking up scams that prey on the low income and the elderly. In May 1995, the Associate Attorney General, along with the United States Attorney, the United States Trustee for Region 11 (Chicago), and the FBI, jointly announced seven separate multi-count indictments against bankruptcy petition preparers, who preyed upon distressed homeowners about to lose their homes to foreclosure. Over 100 individuals were victims of this scheme.

In March 1996 in Region 16 (Los Angeles), the operator of a financial and legal services business pled guilty to six counts of conspiracy, perjury and creating false tax returns in connection with the operation of a financial and legal services business. In the guise of helping poor people with evictions and other financial problems, the perpetrator would use clients' names and social security numbers to fraudulently obtain credit cards, cars, and other consumer goods for himself and then file bankruptcy for his clients. Bankruptcy petitions were filed for over 400 individuals without their knowledge, and using false social security numbers and other false information on the bankruptcy petitions.

In March 1996 in Region 21 (Atlanta) a federal grand jury returned a 30-count indictment against two individuals charging them with bankruptcy fraud, mail fraud, and social security violations. The perpetrators, falsely promising the victims that they could provide refinancing and legal assistance, filed fictitious chapter 13 petitions as part of a scheme to defraud homeowners facing mortgage foreclosures.

Environmental Fraud: The purpose of targeting environmental fraud is to look at companies that improperly use the bankruptcy laws to avoid massive liability arising from environmental toxins and pollutants. In many instances when a company is found to have violated environmental laws, it files for protection under the Bankruptcy Code. Environmental cases present administrative nightmares for private trustees, who are reluctant to accept such cases for fear of being targeted with personal liability. The initiative would establish a task force to look at specific cases and develop remedies to address the complex issues involved in these cases.

In Region 2 (New York) in January 1996, a United States District court convicted the owners of Envirotek, Ltd., a hazardous waste treatment and storage facility of bankruptcy fraud, perjury and conspiracy after an 8-week trial. The bankruptcy case was originally filed as a chapter 11 reorganization in February 1989. The defendants set up an elaborate scheme to divert and hide assets of the estate. Through the efforts of the Office of the United States Trustee, the debtor's operating authority was revoked in April 1989, and the case was ultimately converted to a chapter 7 liquidation. The conviction resulted from a criminal referral by the U. S. Trustee to the U. S. Attorney's office.

	Pos.	FTE	Amount
National Bankruptcy Research Database.....	\$1,309

This initiative seeks to address the following objectives:

to provide a source of empirical data about bankruptcy to be available to the Program and the Department, the bankruptcy bench and bar, the Congress and the general public.

to enable the Program to evaluate its performance and progress toward meeting its goals and missions using quantifiable data as a measurement tool.

This initiative requests \$1,309,000 in offsetting collections for the development of a National Bankruptcy Research Database. It builds upon the automation initiative requested in the Program's FY 1997 budget. In addition to the funding requested in the Administration of Cases Decision Unit, there is also a request for 2 positions, 1 workyear and \$115,000 associated with this project in the Management and Administration Decision Unit.

The United States Trustee Program has the potential to fill a void in bankruptcy administration -- the need for a panoramic statistical view of the entire bankruptcy system. Currently, there is no national database for bankruptcy statistical information. The Statistics Division of the Administrative Office of the United States Courts, compiles and reports filing statistics. However, their statistics capability does not extend to other questions which arise regarding bankruptcy. At the present time, no one is able to provide empirical data on questions such as --

• Who are the debtors filing cases?

• Why are they filing?

• What are they doing while they are in bankruptcy?

• Does bankruptcy help them?

• What are the results, e.g., the successes and failures of the cases?

The United States Trustee Program has a unique position in the bankruptcy system and could potentially fill this void in statistical collection and analysis of "inside the case" information. In every case, the debtor files schedules that summarize its financial condition and testifies in a § 341 Code (11 U. S. C. § 341) meeting relating to the causes of bankruptcy. The Program monitors all cases and their progress.

Unfortunately, the Program has not had the technological capability to capture and analyze all of this information. Analytical bankruptcy data could be a powerful tool in helping the United States Trustee and their staffs to do their jobs more effectively by providing a means for measuring performance and determining what works and what doesn't.

For example, it will enable the Program to capture and extract data such as the number of criminal referrals and complaints that are received, the amount of time required to respond to inquiries, the amount of time on average that

is required to appoint a private trustee in a bankruptcy case, and whether we are able to meet established timelines for performing certain functions such as reviewing final asset reports in chapter 7 cases.

It would also help bankruptcy professionals, academics, and ultimately the Congress when considering the workings of bankruptcy law or even larger trends in the economy. With this information, analysts might be better able to determine the underlying causes for fluctuations in filing statistics. For example, are the recent increases in chapters 7 and 13 filings a result of the abuse of consumer credit or are they related to downsizing, dislocation, and corporate re-engineering or to such factors as inadequate automobile and health insurance coverage?

The FY 1997 appropriation provided resources for a new automation system for the Program -- the U. S. Trustee Information Management System (USTIMS) which will include a new automated case management system (ACMS) and enhanced electronic communications capacity. The National Bankruptcy Research Database Initiative builds upon USTIMS. Bankruptcy case information will be extracted from the Automated Case Management System and other sources and input into a national database providing a complete and exhaustive source of nationwide bankruptcy data. Research and trend analysis staff will be able to manipulate the database to produce reports that will be made available to individuals both inside and outside the Program.

Automated Fee Application Review Expansion.....	Pos.	ZKS	Amount
	...	...	\$2,000

This initiative seeks to address the following objectives:

to assure that the cost of administering bankruptcy cases is appropriately monitored so that it is economical and expeditious, that assets are not dissipated, and that distributions to creditors are maximized.

The Program is requesting \$2,000,000 in offsetting collections to expand its automated fee application review pilot project to 9 or 10 of the Program's largest chapter 11 cities and several smaller chapter 11 cities.

The 1994 Bankruptcy Reform Act directed the United States Trustee Program to implement procedural guidelines for the review of professional fees in bankruptcy cases. The Program finalized those guidelines on January 30, 1996. These new guidelines facilitate the review of professional fee applications by better enabling the reviewer to evaluate the nature, extent, and value of the services for which the reimbursement of expenses is sought. The standardized format for providing professional fee information also permits automated review and analysis of the data. Routine computerized analysis of fee applications results in more thorough review of such applications, greater specificity in the nature of the objections filed with the court, and greater consistency in the nature of the objections raised.

The Program instituted a pilot project for the computerized analysis of professional fees in its Los Angeles Office. Legal firms which have agreed to participate in the pilot submit their fee applications in an electronic format. These fee applications undergo computerized analysis and a report highlighting items outside reasonable parameters is provided

to the United States Trustee. The project has been successful in identifying unauthorized expenses, excessive charges for authorized expenses, and tasks billed at a rate excessive for their nature. In some fee applications, those objectionable practices have accounted for nearly one-quarter of the total fees billed. The United States Trustee reviews the computerized analysis and determines whether an objection to the bankruptcy court is appropriate.

The cost of bankruptcy, and particularly the magnitude of professional fees in bankruptcy cases (roughly estimated to be in the range of \$1.2 - \$1.5 billion annually nationwide), has been an issue of concern to the Congress over the years. The tools are now available to perform a more thorough review of professional fee applications and to consistently identify unreasonable or unjustified items included in the fee request. It is also expected that computer analysis and review will impact the future billing practices of professionals.

Security.....	FOIA	RTS	Amount
.....	...	...	\$608

This initiative seeks to address the following objective:

To protect the integrity of the bankruptcy system by ensuring that threats against participants are dealt with appropriately and expeditiously.

This initiative requests \$608,000 in offsetting collections for improvements in the Program's security at its offices and meeting rooms throughout the country.

Since the bombing of the Murrah Federal Building in Oklahoma City on April 19, 1995, there has been heightened awareness of the need for security for U. S. Trustee Program offices and meeting rooms. The General Services Administration (GSA) has taken the lead in addressing perimeter security in federal buildings and leased space. This initiative requests funding for security upgrades that will not be addressed by GSA. The monies requested will be used to complete the installation of duress alarms and secured reception areas in the Program's district offices; provide duress alarms in our permanent space remote meeting rooms where § 341 Code meetings of debtors and creditors are held; provide magnetometers for meeting rooms in several of our major cities which are in building space that will not otherwise have access to such equipment; and provide for the use of contract security guards at § 341 Code meetings, as necessary.

The United States Trustee Program and the private trustees who use the Program's meeting rooms, must deal with literally millions of individuals every year during the § 341 Code meetings in which bankruptcy petitioners are required to reveal their assets. In recent months, both Program staff and private trustees have cited a need for heightened security. The bankruptcy process is adversarial, as debtors often are required to hand over assets that will be liquidated to satisfy credit obligations. The Program is becoming aware of the increased frequency of incidents in which the safety of trustees and program staff is threatened. Debtors are often agitated and have been found to carry guns and other weapons to meeting rooms. On some occasions, the bankruptcy court has intervened, asking United States Marshals to provide security for § 341 Code meetings.

The United States Marshal's Office in Atlanta, Georgia provided statistics regarding property taken by security personnel over several years at the Richard Russell Federal Building. It is interesting to note that immediately following the move of the U. S. Trustee's Office from the 14th floor of the building (inside the Marshal's security perimeter) to the 3rd floor (outside the security perimeter) in March 1992, the number of confiscated knives reported by the U. S. Marshal's Office dropped from 1,518 in March 1992 to 786 in April 1992 and subsequently has not exceeded 851. This 48 percent decline in knife confiscations is attributed to the fact that the Marshal's Service was no longer screening participants in § 341 Code meetings. The Marshal's Office also advised our Atlanta Office that confiscated handguns primarily belonged to two categories of individuals -- law enforcement personnel and people attending the § 341 Code meetings.

There are a number of examples which point to the need for increased security at § 341 Code meetings:

• The head of a local militia in upstate New York (Region 2) filed for bankruptcy protection under chapter 13 (wage earner repayment) of the Bankruptcy Code. The debtor had developed a repayment plan to satisfy the arrearage on his home mortgage; however, the mortgage holder objected to the plan. When the debtor was notified of the objection by the trustee at the § 341 Code meeting, he threatened the trustee and his staff. Being a member of the local militia, this debtor espoused the ideological, anti-government rhetoric typical of these groups, many of which question the constitutionality of the federal government, its laws and courts, including the bankruptcy process.

Many of the so-called patriot groups today are linked to extremely dangerous and violent militant groups of the 1980s such as the Posse Comitatus and The Order, both of which have been known to carry out acts of violence against those who interfered with their causes. The bankruptcy system becomes a target for many of these groups both by the nature of the process, particularly when foreclosures occur, and because of its extensive exposure to the public.

• The Program's Oklahoma City office (Region 20) has recently encountered Posse Comitatus opposition and problems. An agricultural sale of a Posse Comitatus member's farm, along with a number of random incidents of violence (e.g., shooting out the windows of vehicles) had the chapter 12 trustee so frightened for his personal security, that the bankruptcy judge directed the United States Marshal to provide security for the bankruptcy auction of real and personal property. The Marshals Service enlisted the additional support of the local sheriff and the state highway patrol to ensure that no violence occurred.

• In Ventura County, CA (Region 16) a gun dealer filed for bankruptcy protection. The filing of the bankruptcy petition resulted in threats against the petitioner. The situation was serious enough to require the provision of security at the § 341 Code meeting to protect Program staff and the trustee assigned to handle the bankruptcy.

• A chapter 13 trustee in West Palm Beach, Florida after being threatened by a debtor in a § 341 Code meeting, requested security for future meetings and inquired as to the availability of deputy U. S. Marshals to provide security at these meetings. This trustee noted that debtors must pass through metal detectors in order to perform benign tasks such as filing a petition with the bankruptcy court, while trustees remain unprotected against potentially dangerous debtors.

This initiative will permit heightened security for program staff, private trustees, and the millions of petitioners and public who appear at 341 code meetings by providing a means of summoning help in emergency situations and contracting for security guards to appear at meetings where it is suspected that a potential for violence exists.

Particulars	Pol.	Rs.	Amount
Private Trustee Electronic Data Interchange.....	\$200

This initiative seeks to address the following objectives:

to assure that private trustees adhere to fiduciary standards and observe consistent national procedures and policies.

to assure that the cost of administering bankruptcy cases is appropriately monitored so that it is economical and expeditious, that assets are not dissipated, and that distributions to creditors are maximized.

To increase the flexibility and reduce the burden on private trustees of assuring that cases are appropriately administered.

This initiative requests \$200,000 in offsetting collections for a pilot project to begin the development of an electronic interface to facilitate the exchange of bankruptcy case data between private trustees and the United States Trustee program.

Currently, the Program's oversight process is a manual one, requiring staff to review a variety of written materials. Program staff reviews reports on bankruptcy case assets after 180 days and prior to final distribution. They review trustee pleadings before the bankruptcy courts involving estate administration and the disposition of assets. Data is requested to ensure that cases are being closed as quickly as possible and that estate bank accounts are adequately collateralized.

Private trustees have complained about the amount of "paper" they must provide and the reality is that our staff is drowning buried in paper. The Program oversees 1,500 chapter 7 trustees, all of whom file semi-annual reports, and 169 outstanding trustees. The Program, acting on a suggestion of the National Academy of Public Administration (NAPA) in its early 1995 Report on Alternative Structures for the United States Trustee Program, is revising its trustee supervision initiatives to make the oversight process a more flexible one.

This pilot would allow the Program to design and test an electronic interface that would streamline the case management process, increase the flexibility of the Program's oversight, save time and money by providing a means for the Program, when appropriate, to perform desk audits rather than traveling distances to trustee offices, and provide for more timely transmission of reports.

Electronic transmission of documents is the future for government regulatory and oversight efforts. The incredible increase in information technology that has occurred in only the last two to three years, facilitates the elimination of paper copies that have been so necessary in the past. Smaller agencies such as the United States Trustee Program will be able to implement this new technology at reasonable costs where previously the cost of systems design for electronic transmission of documents was prohibitive, (e.g., the Securities and Exchange Commission's EDGAR system).

MANAGEMENT AND ADMINISTRATION

	POS.	FIS	Amount
Offsetting Collections			
1997 Appropriation Anticipated.....	50	51	\$8,055
1998 Base.....	50	50	8,233
1998 Estimate.....	53	53	8,702
Increase/Decrease.....	5	3	476

BASE PROGRAM DESCRIPTION: The Management and Administration Decision Unit has a base program of 50 positions (6 attorneys), 50 workyears, and \$8,233,000. This decision unit has a clearly defined leadership role in developing and directing the Program's long and short term goals, adopting uniform policies assessing the efforts of the Program's field offices, and conducting long-term research and planning; 2) supervising the Program's litigation activities; 3) conducting the inquiries into misappropriation of funds by private trustees; 4) developing audit policies and private trustee reporting requirements; 5) coordinating and supervising the resolution of the auditors and 6) providing administrative services such as personnel, procurement and contracts, automation, budget and finance, training, and facilities management.

The Executive Office for United States Trustees (EOUST) located in Washington, D.C. provides this centralized support. The EOUST is composed of the Office of the Director, the Office of the General Counsel, the Office of Review and Oversight, the Office of Research and Planning, and the Office of Administration.

Office of the Director: The Office of the Director provides comprehensive policy and management direction to the United States Trustees and their staff, as well as establishing policies and guidelines for the operations of the EOUST. It is responsible for developing and implementing streamlining initiatives, strategic planning, performance evaluation, and ensuring that the Program makes steady progress toward achieving its mission of improving the integrity of the bankruptcy system. The Office of the Director also has the primary responsibility for liaison with the Department, the Bankruptcy Courts, private trustee organizations, and the Congress.

General Counsel: The Office of General Counsel (OGC) provides legal support and training to attorneys in the field to ensure that the Program maintains consistently high standards of advocacy. It is involved in every major case, including all appeals. OGC is responsible for coordinating with the Department's Office of the Solicitor General. It provides house counsel services, reviewing program policies and proposing legislation. It also serves as the source of

ethics information and direction for Program personnel and is responsible for responding to inquiries made of the Program by Members of Congress and others.

Office of Review and Oversight: The Office of Review and Oversight (ORO) assists the U. S. Trustees in monitoring and supervising private trustees. It responds to questions from the field regarding issues of trustee supervision, analyzes financial records, and reviews the budgets of the chapter 13 standing trustees. ORO also collects program data and facilitates the peer review process.

Office of Research and Planning: The Office of Research and Planning is responsible for liaison with the public and the bankruptcy community on issues involving the bankruptcy process and the nature of the work performed by the United States Trustee Program. The office will also be responsible for developing and maintaining the national bankruptcy research database.

Office of Administration: The Office of Administration consists of four divisions -- Resources, Administrative Services, Management Services and Information Systems. The Office's responsibilities include managing the Program's independent personnel authority, managing a nationwide office space program, coordinating procurement actions and managing program-wide contracts, providing daily technical advice and support regarding the automated case management system and other computer-related activities, managing security, coordinating National Performance Review activities, managing the financial operation of the United States Trustee System Fund, and coordinating and developing the Program's budget and resource plan.

PROGRAM CHANGES:

Program	FY	Pos.	FTE	Amount
National Bankruptcy Research Database.....	2	1		\$115

This initiative seeks to address the following objectives:

• To provide a source of empirical data about bankruptcy to be available to the Program and the Department, the bankruptcy bench and bar, the Congress and the general public.

• To enable the Program to evaluate its performance and progress toward meeting its goals and mission using quantifiable data as a measurement tool.

This initiative requests 2 positions, 1 workyear, and \$115,000 in offsetting collections associated with the National Bankruptcy Research Database Initiative requested in the Administration of Cases Decision Unit. The request will fund 1 bankruptcy analyst/statistician position and 1 data clerk position.

The requested positions will support the establishment of a National Bankruptcy Research Database. An analyst/statistician in the Executive Office will analyze and manipulate the database to provide reports on the nationwide bankruptcy caseload, as requested by individuals both inside and outside the Program. The data clerk will support the manual entry of bankruptcy statistical data that will not be available through an electronic transfer from the Program's Automated Case Management System (ACMS).

Bankruptcy Fraud: Criminal Database Access.....	Pos.	FTE	Amount
	2	1	\$104

This request seeks to address the following objective:

to assure that violations of applicable criminal laws are referred to law enforcement and regulatory agencies.

This request includes 2 positions, 1 workyear, and \$104,000 in offsetting collections to permit the hiring and training of two personnel that would be available to perform computerized criminal database searches maintained by the Financial Crimes Enforcement Network (FinCEN) at the United States Treasury Department, as well as the databases that might be available for searches through other agencies. These computerized criminal database searches will support the Program's bankruptcy fraud activities.

One of the difficulties encountered in investigating bankruptcy fraud and referring cases for prosecution is that many of the fraudulent schemes are highly sophisticated and mobile, moving from state to state to avoid detection and ultimately prosecution. Because the Program currently has no national database, it is difficult to detect schemes such as serial filing in multiple jurisdictions.

FinCEN serves as the United States Government's source for the systematic collection and analysis of information to assist in the investigation of financial crimes. Through a combination of advanced technology and partnerships with the financial sector, FinCEN is able to identify data that will help to predict emerging trends and patterns of criminal financial activity.

This request will allow the Program to tap into FinCEN's analytical and technological capabilities or other databases that provide access to a variety of criminal and financial information that will assist in identifying fraudulent bankruptcy schemes or multiple filers across state lines and judicial jurisdictions.

Electronic Freedom of Information Act Access.....	Pos.	FTE	Amount
	1	1	\$257

This request seeks to address the following objective:

to assure that the U. S. Trustee Program is able to meet the objectives of the Electronic Freedom of Information Act Amendments of 1996.

This initiative requests 1 position, 1 workyear and \$257,000 to meet the requirements of the Electronic Freedom of Information Act amendments of 1996. The Electronic FOIA Amendments bring FOIA into the "Information Age" by requiring that agencies maintain records in forms or formats that are readily electronically reproducible, to provide better agency compliance with the time limits imposed by FOIA, and to provide for expedited processing of certain requests.

General Goal: Provide Administrative support to move cases expeditiously through the Bankruptcy Process.						
PERFORMANCE INDICATOR INFORMATION						
Type of Indicator	Performance Indicators	1993 Actual	1994 Actual	1995 Actual	1996 Target Actual	1997 Target Actual
Type of Indicator	1 Bankruptcy Filings, Total	897,204	837,764	883,472	934,375	1,168,885
	Chapter 7 Filings	621,071	571,971	596,750	625,709	799,735
	Chapter 11 Filings	20,111	15,920	12,639	11,375	12,554
	Chapter 12 Filings	1,355	931	883	839	1,151
	Chapter 13 Filings	254,667	248,942	21,650	298,452	353,446
	2 Funding in relation to current services base	\$3,124	\$3,467	(\$196)	\$2,172	\$4,904
	3 Budget Initiatives; Caseload Increase National Research Database Expansion of Fee Application Review Private Trustee Electronic Interface					\$4,982 \$1,474 \$2,000 \$200
Output/ Activity	4 Caseload Increase Allocate positions to regions/offices Complete hiring of staff					NOV 96 APR 99
	5 Fee Application Review Initiative Select data Award Contracts					OCT 96 JAN 99
	6 National Bankruptcy Research Database Identify statistical requirements Design Database Complete testing of database Database Operational					OCT 97 MAR 98 JUNE 98 JULY 98
	7 Private trustee electronic interchange Identify pilot participants Design interchange Identify benefits to private trustees Implement pilot					OCT 97 JAN 98 MAY 98 APR 98

General Goal: Provide Administrative support to move cases expeditiously through the Bankruptcy Process.										
PERFORMANCE INDICATOR INFORMATION										
Type of Indicator	1993 Actual	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1997 Actual	1998 Target	1998 Actual	1998 Target
Operational Activity	CHAPTER 7									
	8 Reduce the number of non-panel trustees administering cases	978	826	746	678	486	418	377		
	9 % of trustees appointed within 5 days of petition being filed									
	10 Review final reports in no asset cases within 30 days of receipt									
	11 Move to discharge where no schedules are filed									
Outcome	CHAPTER 11									
	12 Reduce time needed to file reorganization plan with court Plan filed within 1 year	20.2%	26.6%	20.3%	20.8%		21.3%	21.8%		
	13 % of 341 meetings held within 20-60 days of petition being filed									
Outcome	14 Reduce the number of old chapter 7 cases by 5%	15,872	12,706	12,473	11,807		11,216	10,962		
	15 Reduce the number of old chapter 11 cases as % of total caseload	8.2%	7.5%	7.5%	7.2%		7.0%	6.8%		
Productivity/Efficiency	Bankruptcy Fees per attorney	4,023	4,274	4,227	4,448	5,702	5,720	5,040		
	Fees per FTE	758	709	825	864	1,068	1,111	1,137		

General Goal: Provide Administrative support to move cases expeditiously through the Bankruptcy Process.		
PERFORMANCE INDICATOR INFORMATION		
DESCRIPTION OF KEY INDICATORS		
TYPE	KEY INDICATOR	INDICATOR SIGNIFICANCE
	Chapter 7	
Output Activity	8 Reduce the number of nonpanel trustee administering cases	Non-panel trustees are those trustees who have open cases but are not being assigned new cases. Generally, non-panel trustees are not assigned new cases because of a performance problem. Once a trustee has been removed from the panel, there is little incentive to move cases through the bankruptcy system.
Outcome	16 Reduce the number of old chapter 7 cases	This indicator tells the Program how successful it is in meeting its goal of expeditiously moving cases through the bankruptcy process. A case is defined as "old" after 3 years.
Output Activity	Chapter 11	
Outcome	12 Reduce the time needed to file a reorganization plan with the court	This indicator tells the Program how long it is taking for chapter 11 cases to develop reorganization plans and file those plans with the bankruptcy courts.
Outcome	16 Reduce the number of old cases as a percentage of total closed	This indicator tells the Program how successful it is in meeting its goal of expeditiously moving cases through the bankruptcy process. A case is defined as "old" after 3 years.
EXTERNAL FACTORS AFFECTING PERFORMANCE		
Explanation of Factor		
External Factor	Actions of the Bankruptcy Courts	The Program does not have the statutory authority to close a bankruptcy case, or to remove a trustee from a case. That authority resides with the bankruptcy court. The only recourse the Program has for dealing with a problem trustee is to remove that trustee from panel rotation, so that the trustee will not be assigned new cases. The Program must petition the court to close cases in which the debtor is not acting in good faith.
Bankruptcy Funds		The United States Trustee Program must participate in every bankruptcy case. The Program does not have the ability to decline a case, as do other funding components of the Department.
Resources		Because the Program's workload is mandatory and it cannot decline to participate in a case, the staffing resources available have a direct impact on the ability to move cases through the process.

General Goal: Maximize the Return of Estate Assets to Creditors													
PERFORMANCE INDICATOR INFORMATION													
Type of Indicator	Performance Indicators					1993	1994	1995	1996		1997		1998
Input						Actual	Actual	Actual	Target	Actual	Target	Actual	Target
	1 Bankruptcy Filings, Total					887,204	837,764	863,422	934,375	1,111,817		1,166,885	1,214,810
	Chapter 7 Filings					621,071	571,971	598,250	625,709	781,852		789,735	829,731
	Chapter 11 Filings					20,111	15,920	12,638	11,375	12,554		12,554	12,554
	Chapter 12 Filings					1,355	931	883	839	1,086		1,151	1,207
	Chapter 13 Filings					254,867	248,942	271,650	298,452	336,615		353,446	371,118
	2 Funding in relation to current services base					\$3,124	\$3,467	(\$198)	\$2,172	(\$4,801)		\$4,804	\$10,594
	3 *Budget Initiatives:												\$4,852
	Caseload Increase												\$1,049
	Bankruptcy Fraud												\$1,424
	National Research Database												\$2,000
	Expansion of Fee Application Review												\$300
	Private Trustee Electronic Interface												\$104
	Criminal Database Access												
	4 *Caseload Increase												NOV 97
	Allocate positions to regional/offices												APR 98
	Complete hiring of staff												
	5 *Bankruptcy Fraud												NOV 97
	Allocate positions												APR 98
	Hire Team												
	6 *National Bankruptcy Research Database												OCT 97
	Identify statistical requirements												MAR 98
	Design Database												JUNE 98
	Complete testing of database												JULY 98
	Database Operational												
	7 *Expansion of Fee Application Review Initiative												OCT 97
	Select Sites												JAN 98
	Award Contracts												

PERFORMANCE INDICATOR INFORMATION									
General Goal: Maximize the Return of Estate Assets to Creditors									
Type of Indicator	Performance Indicators	1993 Actual	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1997 Actual	1998 Target
8	Private trustee electronic interchange Identify pilot participants Design interchange Identify benefits to private trustees Implement pilot								OCT 97 JAN 98 MAR 98 APR 98
9	Criminal Database Access Enter into MOU with Treasury Department/FRCEN Hire Staff Train Staff Begin Database Searches								OCT 97 OCT 97 NOV 97 NOV 97
10	Reduce the number of non-panel trustees administering cases	978	820	740	678	465	419		377
11	% of trustees audited								
Data measurement system not yet in place									
12	Reduce time needed to file non-organization plan with court Plan filed within 1 year Plan filed within 2 years	20.2%	20.6%	20.3%	20.8%		21.3%		21.8%
13	Increase the percentage of cases with creditors' committees	16.3%	18.7%	15.8%	16.0%		16.1%		16.2%
14	Reduce % of chap. 13 trustees with operating budgets above 8%			41.6%	41.4%	41.2%	40.7%		38.7%
15	Harmonize and promote uniform fee expense guidelines relating to the employment of professionals and others in bankruptcy cases Publish fee guidelines as required by Bankruptcy Reform Act Finalize fee guidelines Reduce Professional Fees by 2%			322,695					1,000,000
Data measurement system not yet in place									
GENERAL									

General Goal: Maximize the Return of Estate Assets to Creditors			
PERFORMANCE INDICATOR INFORMATION			
TYPE		DESCRIPTION OF KEY INDICATORS	INDICATOR SIGNIFICANCE
		KEY INDICATOR	
		Chapter 7	
Outcome	18	Reduce the Cost of Administering Cases	The less it costs to administer a bankruptcy case, the higher the return to creditors
Outcome	19	Chapters 7/12/13 Increase the percentage distribution to unsecured priority creditors	Unsecured creditors are the last individuals to be paid in a bankruptcy case. Increasing distribution to unsecured creditors is a measure of how well the system is doing in holding down the cost of administration of bankruptcy.
Outcome	20	Chapter 11 Increase % of Chapter 11 cases with confirmed reorg. plans	Historically, only about 15 percent of all chapter 11 cases ever achieve a reorganization plan that has been confirmed by the bankruptcy court. Because the purpose of chapter 11 is to give business debtors a second chance, it is critical that the debtor develop a plan that is viable and can be implemented.
Outcome		All chapters Reduce unreasonable professional fees	Professional fees are a significant component of the cost of bankruptcy. Estate monies that are not spent on professional fees can be returned to creditors.
EXTERNAL FACTORS AFFECTING PERFORMANCE			
External Factor		Explanation of Factor	
Actions of the Bankruptcy Courts		The Program does not have the authority to reduce professional fees. It can motion the court to reduce the fees.	
Bankruptcy Filings		The United States Trustee Program must participate in every bankruptcy case. The Program does not have the ability to decline a case, as do other litigating components of the Department.	
Resources		Staffing resources have a direct impact on the Program's ability to perform its supervisory or regulatory functions. When staffing resources are low, particularly in relation to bankruptcy filings, all of the staffing efforts are aimed at simply moving the cases through the process.	

General Goal: Assure compliance with national procedures and policies and assure that violations of applicable criminal laws are referred to law enforcement and regulatory agencies.										
PERFORMANCE INDICATOR INFORMATION										
Type of Indicator	1993 Actual	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1997 Actual	1998 Target		
Input										
1 Bankruptcy Filings, Total	897,204	837,764	883,422	934,375	1,111,917	1,168,886		1,214,810		
Chapter 7 Filings	621,071	571,971	598,250	625,708	781,652	789,735		829,731		
Chapter 11 Filings	20,111	15,920	12,638	11,375	12,554	12,554		12,554		
Chapter 12 Filings	1,355	931	863	838	1,088	1,151		1,207		
Chapter 13 Filings	254,687	248,942	271,850	296,452	338,615	353,448		371,118		
2 Funding in relation to current services base	\$3,124	\$3,467	(\$196)	\$2,172	(\$4,801)	\$4,904	\$1,221	\$10,564		
3 *Budget Initiatives:										
Bankruptcy Fraud								\$1,049		
National Bankruptcy Research Database								\$1,424		
Private Trustee Electronic Interface								\$200		
Criminal Database Access								104		
Output/Activity										
4 *Bankruptcy Fraud										
Abuse positions									NOV 98	
Hot Team									APR 99	
5 *National Bankruptcy Research Database										
Identify statistical requirements									OCT 97	
Design Database									MAR 98	
Complete testing of database									JUNE 98	
Database operational									JULY 98	
6 *Private trustee electronic interchange										
Identify pilot participants									OCT 97	
Design interchange									JAN 98	
Identify benefits to private trustee									MAR 98	
Implement pilot									APR 98	
7 *Criminal Database Access										
Enter into MOU with Treasury Department/ncen									OCT 97	
Hot Staff									OCT 97	
Train Staff									NOV 97	
Begin Database Searches									NOV 97	

General Goal: Assure compliance with national procedures and policies and assure that violations of applicable criminal laws are referred to law enforcement and regulatory agencies.											
PERFORMANCE INDICATOR INFORMATION											
Type of Indicator	Performance Indicators			1993 Actual	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1997 Actual	1998 Target
Output/Activity	8 Refer Criminal Violations to law enforcement				480	576	563	679		713	746
	9 Refer violations to regulatory agencies	Old Measurement System not in place									
	10 Reduce the number of Audit Deficiencies Total findings per audit Consequential findings per audit				94 21	74 17	63 15	6 14	55 13		53 12
Outcome	11 # Convictions				111	102	86	86		90	94
	12 Civil Sanctions	Data Measurement System not in place									
Productivity/ Efficiency	Bankruptcy Filings per attorney				4,023	4,274	4,227	4,440	5,702	5,720	5,040
	Filings Per FTE				758	709	625	864	1,086	1,111	1,137
DESCRIPTION OF KEY INDICATORS											
TYPE	KEY INDICATOR	INDICATOR SIGNIFICANCE									
Output/ Activity	8 Criminal Referrals	Violations of criminal law are referred to the U. S. Attorneys for prosecution or the FBI for further investigation. Program staff receive referrals often from outside sources in writing and perform the initial review of the complaint. If warranted, the complaint and supporting documentation are provided to the FBI and/or the U. S. Attorney's Office in the jurisdiction for further action. Program staff work closely with the staff of these agencies to explain the case, and communicate the significance of the problem.									
	11 Reduce the number of trustee audit deficiencies	This indicator tells the staff in the field how well individual trustees are doing in managing their caseload. Private trustees who are responsible for bankruptcy estates have an obligation to maintain fiduciary standards and to abide by Program policies. Trustees are audited periodically by field staff, as well as by the Department's Office of the Inspector General.									

General Goal: Assure compliance with national procedures and policies and assure that violations of applicable criminal laws are referred to law enforcement and regulatory agencies.	
PERFORMANCE INDICATOR INFORMATION	
External Factor	Explanation of Factor
Workload of other federal agencies	The ability to successfully get bankruptcy fraud cases processed depends on the workload of other agencies
Bankruptcy Filings	The United States Trustee Program must participate in every bankruptcy case. The Program does not have the ability to decline a case. The ability of the staff to dedicate time to criminal referrals is directly related to the number of bankruptcy filings per staff. When staffing resources are low in relation to filings, efforts are focused on moving the caseload through the bankruptcy process and the more time preventive case supervisory responsibilities suffice.

United States Trustee System Fund
Salaries and Expenses
Justification of Multi-Activity Program Changes
(Dollars in thousands)

Budget Activity/Program	National Bankruptcy Research Database		
	Pos.	WY	Amount
Direct Authority			
Administration of Cases			
Management and Administration			
Subtotal			
Offsetting Collections			
Administration of Cases			\$1,309
Management and Administration	2	1	115
Subtotal	2	1	1,424
Total			
Administration of Cases			\$1,309
Management and Administration	2	1	115
Total	2	1	1,424

United States Trustee System Fund
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Offsetting Collections Item	Credit		Research		Beneficiary		Criminal Database		Security		Automated Fee		Private Tuition		Electronic		Total	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
Charges																		
GS/GM-13	50	\$2,837	1	\$57	15	\$851									1	57	87	\$3,802
GS-09	15	494					2	\$66								17	560	
GS-07	15	403	1	27												18	430	
GS-05																		
Total Positions and Annual Rate	80	3,734	2	84	15	851	2	66							1	57	100	4,792
Lease (-)	(40)	(1,867)	(1)	(42)	(7)	(425)	(1)	(33)								(49)	(2,367)	
Other Personnel Compensation		32						2									35	
Total Workyears and Personnel Compensation	40	1,899	1	43	8	425	1	35							1	57	51	2,460
Personnel Benefits	500															17	728	
Travel and Transportation	285															10	361	
USA rent	631															8	790	
Other Rent, Communications, & Utilities	153															4	195	
Printing and Reproduction	16															5	24	
Other Services	514															130	4,019	
Supplies and Materials	94															15	147	
Equipment	800															11	1,850	
Total program workyears & obligations	40	4,953	2	1,424	8	1,045	1	104							1	257	51	10,594
changes requested, 1998																		

United States Trustee System Fund
Salaries and Expenses
Priority Ranking
Fiscal Year 1998

Program	Base Program	Ranking	Program	Program Increase	Ranking
				Enhancement	
Administration of Cases	1	Administration of Cases	Caseload Increase	1	
Management & Administration	2		Bankruptcy Fraud	2	
			National Bankruptcy Research Database	3	
			Automated Fee Application Review	4	
			Security	5	
			Electronic Interchange with Trustees	6	
			Management & Administration		
			National Bankruptcy Research Database	1	
			Criminal Database Access	2	
			Electronic FOIA	3	

United States Trustee Program
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996 Authorized	1997 Authorized	Program Increases	1998 Total Request
DIRECT AUTHORITY				
U.S. Trustee/Asst. U.S. Trustee (301)	119			
Bankruptcy Analysts (301)	85			
Attorneys (905)	127			
Paralegal Specialists (950)	105			
Other Legal and Kindred (900-998)	105			
Personnel Management (200-299)	10			
Management System Specialists (301)	36			
General Administrative, Clerical & Office Services (300-399)	99			
Security Specialists (080)	13			
Acctg. Budget, Financ. Mgmt. (500-599)	3			
Contracting, Procurement (1102-1106)	725			
Subtotal				
OFFSETTING COLLECTIONS				
U.S. Trustee/Asst. U.S. Trustee (301)	112	114		114
Bankruptcy Analysts (301)	81	186	30	216
Attorneys (905)	85	204	37	241
Paralegal Specialists (950)	95	194	17	211
Other Legal and Kindred (900-998)	59	174	16	190
Personnel Management (200-299)	1	11		11
Management System Specialists (301)	1	26		26
General Administrative, Clerical & Office Services (300-399)	31	117		117
Security Specialists (080)	1	13		13
Acctg. Budget, Financ. Mgmt. (500-599)	2	5		5
Contracting, Procurement (1102-1106)	365	1,045	100	1,145
Subtotal				
TOTAL				
U.S. Trustee/Asst. U.S. Trustee (301)	119	114		114
Bankruptcy Analysts (301)	197	186	30	216
Attorneys (905)	210	204	37	241
Paralegal Specialists (950)	200	194	17	211
Other Legal and Kindred (900-998)	187	174	16	190
Personnel Management (200-299)	11	11		11
Management System Specialists (301)	37	26		26
General Administrative, Clerical & Office Services (300-399)	130	117		117
Security Specialists (080)	13	13		13
Acctg. Budget, Financ. Mgmt. (500-599)	5	5		5
Contracting, Procurement (1102-1106)	1,110	1,045	100	1,145
Subtotal				
Washington	52	50	5	55
U.S. Field	1,058	995	85	1,080
Foreign Field				
Total	1,110	1,045	100	1,145

977

Decision Unit	1997 Appropriation						Annulment of 1997 Appropriation						1998 Program Changes						1998 Request Level					
	Attorneys			Support			Attorneys			Support			Attorneys			Support			Attorneys			Support		
	Pos.	FTE	Total	Pos.	FTE	Total	Pos.	FTE	Total	Pos.	FTE	Total	Pos.	FTE	Total	Pos.	FTE	Total	Pos.	FTE	Total	Pos.	FTE	Total
Administration of Cases	198	196	797	804	995	999	(3)	(29)	(32)	37	19	58	29	95	48	235	211	865	804	1,080	1,015			
Management and Administration	8	6	44	45	50	51	(1)	(1)	(1)			5	3	5	3	6	6	49	47	55	53			
Total	204	201	841	849	1,045	1,050	(3)	(30)	(33)	37	19	63	32	100	51	241	217	904	851	1,145	1,068			

United States Trustee System Fund
Salaries and Expenses
Summary of Change
(\$ in thousands)

	OFFSETTING COLLECTIONS		
	Perm Pos.	Workyears	Amount
1997 Appropriation Anticipated	1,045	1,050	107,950
Adjustments to base			
Mandatory Increases			
1998 pay increase			1,581
Annualization of 1997 pay raise			565
Administrative Salary Increase			108
Accident Compensation			31
Travel Mileage Allowance Rate			7
Correspondence Management System			11
Investigation/Reinvestigation			1
General Pricing Level Adjustment			230
Total, mandatory increases			2,534
Decreases			
Annualization of 1997 Restructuring Savings		(33)	(1,357)
1998 Base	1,045	1,017	109,127
Program Changes	100	51	10,594
Less Excess Fee Collections			(3,000)
1998 Estimate	1,145	1,068	116,721

NOTE: The United States Trustee Program anticipates it will collect \$3 million more in fees than it is authorized to use in FY 1997. FY 1997 appropriations language makes those fees available for obligation October 1, 1997. The \$3 million in excess fee collections is used to partially fund 1998 enhancements.

United States Trustee System Fund
Justification of Adjustments to Base
Payroll in FY98

Adjustments to Base

Increases /Automatic, non-policy:

	FYS	Amount
<u>1998 pay raise</u>	\$1,581
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the President's Budget Request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$1,581,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$1,275,000 pay and \$306,000 benefits = \$1,581,000).		
<u>Annualization of 1997 pay raise</u>	565
This request provides for the annualization of the first quarter amount (October through December) of the 1997 pay raise to be 3.0 percent. The amount requested \$565,000 represents the pay amounts for the first quarter of the year plus appropriate benefits (\$456,000 for compensation and \$109,000 for benefits).		
<u>Administrative Salary Increase</u>	108
This request provides for an expected annual pay adjustment of administratively determined salaries for the Assistant U.S. Trustee (\$87,000 for pay and \$21,000 for benefits = \$108,000).		
<u>Accident Compensation</u>	31
This increase reflects the billing provided by the Department of Labor (DOL) for the actual costs in 1996 of employees' accident compensation, which will be billed in 1998. The 1998 increased cost will be \$31,000.		
<u>Mileage Allowance Rate Increase</u>	7
The mileage allowance rate has increased from 30 to 31 cents per mile. An increase of \$7,000 is requested in 1998 to cover this rate adjustment.		
<u>Correspondence Management System</u>	11
An increase of \$11,000 is required in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. This new system provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved recordkeeping, and improved reporting capability.		
<u>Investigation/Reinvestigation</u>	1
Executive Order 10450 - Security Requirements for Government Employees requires that appointments of each civilian officer, employee in any department or agency of the Government shall be made subject to each investigation. Additionally, the request is for the purchase of additional contractor support needed to ensure timely compliance with this Executive Order. It is critical to ensure that the Department's security requirements by ensuring investigations and reinvestigations are timely initiated on newly appointed civilian officers and employees.		

	<u>YVA</u>	<u>Amount</u>
General pricing level adjustments.....	...	230
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.		
6 Total Increases.....	---	2,534
Decreases:		
Annualization of FY 1997 Restructuring Savings.....	(33)	(1,357)
This annualizes savings from the reductions included in the FY 1997 President's Budget for the Program's restructuring initiative.		
Total Adjustments to Base.....	(33)	1,177

United States Trustee Program
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1996 Actual		1997 Estimated		1998 Estimated		Increase/Decrease For 1998	
	Pos. & Wt%	Amount	Pos. & Wt%	Amount	Pos. & Wt%	Amount	Pos. & Wt%	Amount
ES-6, \$115,700	1		1		1			
ES-5, \$115,700	1		1		1			
ES-4, \$111,900	1		1		1			
ES-3, \$108,200	21		21		21			
ES-2, \$101,600	1		1		1			
GS-15, \$75,935-98,714	107		107		107			
GS-14, \$64,555-83,922	181		170		170			(11)
GS-13, \$54,629-71,017	146		121		188			(15)
GS-12, \$45,939-59,725	52		50		50			(2)
GS-11, \$38,350-49,831	111		101		101			(10)
GS-10, \$34,887-43,356	2		2		2			
GS-9, \$31,680-39,155	103		105		120			
GS-8, \$28,481-35,789	16		16		16			
GS-7, \$25,897-33,467	190		168		184			(22)
GS-6, \$23,305-30,294	45		45		45			
GS-5, \$20,908-27,183	38		38		38			
GS-4, \$18,687-24,298	4		4		4			
GS-3, \$16,647-21,641	2		2		2			
Ungraded positions	98		93		93			(5)
1997 Pay Rate		1,824						
1998 Pay Rate								
Total, appropriated positions	1,110	59,855	1,045	60,170	1,145	68,112	100	7,942
Pay above stated annual rates	230		233		261		28	
Lapses	(86)	(4,504)	(9)	(503)	(91)	(3,742)	(82)	(4,769)
Savings due to lower pay scales for part of year		(2,842)		(1,956)		(1,423)		(31)
Other full-time permanent	1,024	55,283	1,036	59,442	1,054	63,874	18	3,232
Part-time permanent								
Other full-time nonpermanent	9	305	10	526	10	526		
Temporary employment	8	670	4	244	4	244		
Other personnel compensation								
Overline	1	52	5	200	5	200		
Law Enforcement Availability Pay								
Other compensation	223		330					
Special personal services payments	3							
Total, Workyears & personnel compensation	1,042	56,490	1,055	60,742	1,073	63,989	18	3,247
Average ES Salary		\$102,800		\$103,384		\$109,166		
Average GS Salary		\$37,419		\$36,400		\$37,934		

*Attorneys hired by the Program are paid in 113 object class until clearance process is complete

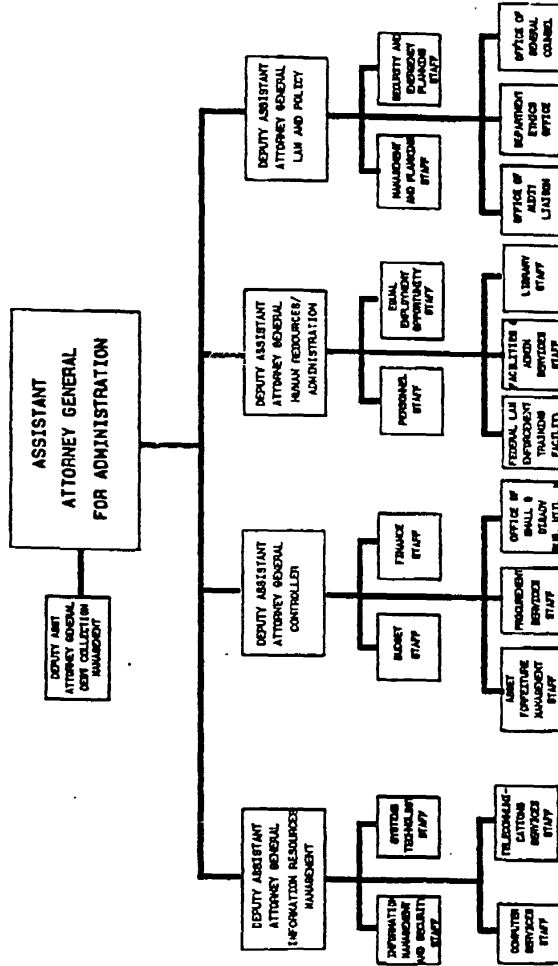
United States Trustee System Fund
Schedule and Expenses
Summary of Requirements by Object Class
 (Dollar in Thousands)

Object Class	1996 Actual	1997 Estimate	1998 Estimate	1999 Estimate	2000 Estimate
	FTE	Amount	FTE	Amount	FTE
11.1 Total workyears & personnel compensation	1,024	\$55,285	1,014	\$59,442	1,014
11.3 Other than full-time personnel	17	925	14	770	14
11.5 Other personnel compensation	1	277	5	530	5
11.8 Special personal services payments	3				
Total	1,042	\$6,490	1,035	\$60,742	1,035
Reimbursable workyears					
Full-time personnel					
Other Object Classes					
12.0 Personnel benefits	13,849		13,216		13,849
13.0 Benefits to former personnel	59		124		651
21.0 Travel and transportation of persons	2,012		2,830		420
22.0 Transportation of things	280		308		791
23.1 GSA rent	13,700		14,433		199
23.2 Rental payments to others	112		155		30
23.3 Comm. and other mail charges	2,816		3,290		145
24.0 Printing and reproduction	203		265		29
25.1 Advisory and assistance services	292		290		129
25.2 Other Services	3,590		2,976		2,001
25.3 Purchase of goods & services from Gov't sources	3,655		4,024		861
25.4 Medical care	47		47		3
25.5 Operation and maintenance of equipment	875		672		169
26.0 Supplies and materials	1,340		1,325		191
31.0 Equipment	3,602		3,376		841
42.0 Insurance claims and indemnities	19		35		
Total obligations	1,042	\$1,187	1,055	\$10,068	1,055
Unobligated balance, start of year					
Reimbursable Agreements					
Recovery of Prior Year Obligations					
Unobligated balance, end of year					
Total obligations	1,042	\$2,272	1,055	\$10,990	1,055
Less prior year offsetting collections					
Total requirements	1,042	\$2,272	1,055	\$10,990	1,055
Less available offsetting collections	(157)	(14,421)	(1,055)	(10,990)	(1,055)
Total fund requirements	885	\$7,813			
Balance of Obligations to Obligate					
Total fund obligations					
Unobligated balance, start of year					
Unobligated balance, end of year					
Outlays					

Department of Justice
Assets Forfeiture Fund
Estimates for Fiscal Year 1998
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JUSTICE MANAGEMENT DIVISION



* LOCATED IN JAO FOR ADMINISTRATIVE PURPOSES.

Approved: *[Signature]* Date: Nov 17, 1995

JANET RENO
Attorney General

The Department of Justice is requesting \$376,000,000 for expenses of the Assets Forfeiture Fund (the Fund) for 1998. Based on current projections, the Department estimates that the Fund will receive \$400,000,000 in interest earned on ECI balances which is not available for general operations. Receipts in the Fund in 1998 will be \$390,000,000, including \$100,000,000 in interest earned on ECI balances which is not available for general operations. Included in the 1998 budget plan is an increase of \$353,000,000 for mandatory Program Operations Expenses of the Fund. This is \$9,100,000 more than the revised estimate for 1997, primarily due to increases in equitable sharing associated with a modest increase in receipts. Also included in the 1998 budget plan is an increase of \$25,000,000 for Program Operations Expenses of the Fund. These estimates are well below 1996 and 1995 estimates. This estimate reflects the recent decline in asset forfeiture program activity by all of the program components. The annual appropriation for investigative expenses is an important element in the development of long term investigations, that will, in turn, produce new seizures and forfeitures as we attempt to investigate the use of the forfeiture sanction.

The primary purpose of the fund is to provide a stable source of resources to cover the costs of an effective asset seizure and forfeiture program, including the costs of seizing, evaluating, inventorying, maintaining, protecting, advertising, forfeiting, and disposing of property. Prior to creation of the fund in 1985, costs of these activities had to be diverted from agency operational funds. The more effective an agency was in seizing property, the greater the drain on its appropriated funds. Creation of the fund is responsible, in large measure, for the production of surplus revenues to assist in the implementation of an aggressive and well-managed forfeiture program. A secondary benefit of an aggressive and well-managed forfeiture program is that it functions effectively in its primary role, surplus revenues will not be generated.

Since the creation of the fund, the asset seizure and forfeiture program grew rapidly. The inventory of property in custody increased from 3,664 properties valued at \$115 million at the end of 1985 to over 32,000 properties valued at about \$1.9 billion at the end of 1992 (\$1.5 billion excluding cash). Since that time, the level of seizures has been declining. The U.S. Marshals Service has continued to process and dispose of assets seized in prior years. This has kept fund receipts close to projected levels. However, as of the end of 1996, there were just over 78,000 assets in custody valued at less than \$1.4 billion (less than \$1.2 billion excluding U.S. cash and properties under seizure). For at least the past eighteen months, the significant effect of this decline is that criminal organizations have hundreds of millions of dollars more in their coffers to support their illicit operations each year.

These receipts are available to pay the Program Operations Expenses, i.e., audatory expenses, of the forfeiture program, and recognize the equity of innocent parties. For 1978, the Department is estimating \$53,000,000 for these purposes. These receipts are available to pay the Program Operations Expenses, i.e., audatory expenses, of the forfeiture program, and recognize the equity of innocent parties. For 1978, the Department is estimating \$53,000,000 for these purposes. These receipts are available to pay the Program Operations Expenses, i.e., audatory expenses, of the forfeiture program, and recognize the equity of innocent parties. For 1978, the Department is estimating \$53,000,000 for these purposes.

The fund has served as a catalyst to involve more Federal, State and local investigative agencies in the forfeiture program. In 1991, the U.S. Secret Service joined the Bureau of Alcohol, Tobacco and Firearms, joined the Department of Justice's Asset Forfeiture program, and in 1992, the U.S. Customs Service joined the program. As a result of the effectiveness of asset seizure and forfeiture as Law Enforcement Agencies Subcommittees legislation that created a support important law enforcement goals, the Treasury, Postal, and General Government Appropriations Subcommittee legislation that created a separate Treasury Forfeiture Fund that became operational in 1996, replacing the Clinton Initiative Fund and pulling Treasury agencies out of the Department of Justice's Forfeiture program, making close coordination and cooperation more difficult. In 1994, the Office of Criminal Investigations, Food and Drug Administration (FDA) joined the operation and management of the fund. The funding of police and prosecutors' operations, not only the cost of criminal investigations, but also from the perspective of preserving the due process rights of citizens.

In summary, the asset forfeiture program not only represents an effective law enforcement tool against criminal organizations but also provides financial support to other federal law enforcement efforts. Without this resource, agency funds would be seriously taxed to maintain, preserve, and liquidate seized assets, and law enforcement projects supported by the fund could be curtailed or delayed. The fund could not be used to wait the possibility of another seizure. Unfortunately, this important program is in limited decline, a decline that directly benefits criminal organizations nationwide.

Assets Forfeiture Fund
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in the appropriation language listed and explained below. Deleted matter is enclosed in brackets.

Assets Forfeiture Fund

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(i),(B),(C), (f), and (g), as amended, \$33,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

(28 U.S.C. 524: Department of Justice and Related Agencies Appropriations Act, 1997, Public Law 104-208.)

Explanation of Changes

The deletion of "(C)" is a technical amendment that gives effect to the statutory change made by Section 114 of Public Law 104-208, dated September 30, 1996. Section 114 removed subparagraph C from the list of uses to be specified in annual appropriations acts. The effect of this change is to treat payments of awards based on the amount of a forfeiture the same as other costs of a forfeiture.

**Assets Forfeiture Fund
Crosswalk of 1997 Changes
(Dollars in thousands)**

Activity/Program: Assets Forfeiture Fund	1997 President's Budget Request	Congressional Action	Changes in the Estimate	1997 Appropriation As Requested
Permanent, Indefinite Authority				
1. Program Operations.....	\$403,000	...	-\$59,100	\$343,900
2. Prior Year Super Surplus.....	...	...	7,321	7,321
3. 1996 Super Surplus.....	...	...	27,000	27,000
Appropriated, Definite Authority				
4. Investigative Expenses.....	30,000	-\$7,000	...	23,000
Total Budget Authority.....	<u>433,000</u>	<u>-7,000</u>	<u>-24,379</u>	<u>401,421</u>

Explanation of Change in Appropriated, Definite Authority

Other Requested Changes:

The Congress reduced the amount of annual definite authority available for investigative expenses.

Explanation of Change in Permanent, Indefinite Authority

Changes in the Estimate:

The most significant factor resulting in a major re-estimate of permanent, indefinite expenses is a sharp decline in new seizures and forfeitures with an associated decline in new receipts to the fund. Receipts in 1996 were \$134 million, a decline of \$11 million from 1995. Receipts in 1997 are projected at \$59 million, a decline of \$75 million from 1996. Receipts in 1998 are projected at \$59 million, a decline of \$20 million from 1997. Special contract services are projected at \$40 million (a decline of \$7 million), and joint law enforcement operations are projected at \$30 million (a decline of \$3 million). Minor adjustments are reflected for other costs categories based on updated information. In addition, approximately \$7.5 million in prior year super surplus balances were not obligated in 1996, as expected, and a 1996 surplus of \$27 million was declared.

State Facilities Fund
Summary of Budgetary Resources and Financing
 (Dollars in thousands)

	1997 Appropriation All Funds	1998 Actual All Funds	1999 Actual All Funds	2000 Actual All Funds	Total
Appropriation adjustments:					
1997 President's budget request.....					\$137,000
1997 change in the estimate.....					-13,000
1997 appropriations in excess of receipts.....					-13,000
1997 expense changes.....					-13,000
1999 adjustments.....					-13,000
Disbursements by type of expense:					
Program operations expenses: (indefinite authority)					
Program operations expenses.....	\$343,000	\$353,000	\$353,000	\$353,000	\$1,399,000
Super surplus amounts obligated:					
1991-1993.....	2,531	...	...	...	-2,531
1996 super surplus amounts obligated.....	27,000	...	...	...	-27,000
Investigative expenses: (definite authority)					
Investigative expenses.....	23,000	23,000	23,000	23,000	92,000
Total gross obligations.....	401,421	376,000	376,000	376,000	1,529,421
Financing:					
Unobligated balance of receipts, start of year.....	183,949	128,528	128,528	128,528	570,935
Less: transfer to special forfeiture fund.....	-17,000	-17,000	-17,000	-17,000	-68,000
Unobligated balance of receipts available, start of year..	166,949	111,528	111,528	111,528	492,935
Collections/deposits/receipts.....	373,000	300,000	300,000	300,000	1,273,000
Total resources available.....	539,949	411,528	411,528	411,528	1,666,935
Less:					
Unobligated balance of receipts, end of year, including:					
BCI balances subject to Court Order.....	-33,919	-47,919	-47,919	-47,919	-177,656
Unobligated balances available for start-up expenses.....	-25,000	-25,000	-25,000	-25,000	-100,000
Total, Unobligated balances, end-of-year.....	-58,919	-72,919	-72,919	-72,919	-297,656
Total, Gross obligations.....	401,421	376,000	376,000	376,000	1,529,421

Summary of Assets, Liabilities and Fund Balances by Category
(Dollars in thousands)

	1996 Appropriation BL FOLDED	1996 Actual Amount	1997 Appropriation BL FOLDED	1998 Estimate Amount	Increase/ Decrease (C) Amount
Obligations by Type of Expense					
Program operations expenses: (indefinite authority)					
Asset management and disposal.....	\$32,000	\$31,501	\$35,000	\$37,000	\$ 2,000
Other asset specific expenses.....	49,000	24,374	24,000	25,000	1,000
Equitable sharing payments.....	205,000	159,533	170,000	180,000	10,000
Special contract services.....	19,000	19,000	20,000	21,000	1,000
Administrative expenses.....	19,000	28,875	20,000	21,000	1,000
Training and printing.....	9,000	2,600	9,000	4,750	-4,250
Other program management.....	9,000	7,789	9,000	9,500	500
Contracts to identify assets.....	5,000	2,542	3,000	4,000	1,000
Storage, protection and destruction of substances.....	1,000	682	1,000	750	750
Awards for information leading to a forfeiture.....	31,000	29,111	30,000	3,000	3,000
Asset identification and enforcement operations.....	403,000	377,711	443,000	355,000	-88,000
Subtotal: Program operations expenses.....					
Investigative expenses: (definite authority)					
Awards for information.....	19,000	17,903	17,000	17,000	...
Purchase of evidence.....	9,000	3,325	5,000	5,000	...
Contracted expenses.....	2,000	3,325	5,000	5,000	...
Subtotal: Investigative expenses.....					
Super surplus amounts obligated.....	11,381	6,338	35,321	35,321	35,321
Total gross obligations.....	644,381	359,137	601,421	376,000	-25,421

Non-personnel assets of the U.S. Marshall Service seized asset program and the administrative costs of the Asset Forfeiture Management Staff are paid from the Other Program Management expense category.

10/30/07

Fielded BCGI tools and interest are subject to change. As actions are approved, BCGI tools delivered by Covi Order. These actions are posted as updates (i.e., redactions to grant recipients, rather than as separate change orders). In summary, the flow is used as the "back" for the BCGI request to include proper data (real and immateriality for transactions).

Asset Forfeiture Fund
Investigative and Prosecution
Performance and Results Act Requirements
Asset Forfeiture Program

MISSION: To disrupt, damage and dismantle criminal organizations, through the use of civil and criminal forfeiture, by removing those assets that are essential to the operation of those criminal organizations, and to punish the criminals involved by denying them use of the proceeds of their crimes.

PROGRAM GOALS:

- To provide resources necessary to identify forfeitable property and to seize, manage, and dispose of property seized for forfeiture, including expenses of perfecting the forfeiture and recognizing legitimate interests of innocent third parties.
- To provide central accountability for the management and use of forfeited cash and property and the proceeds of sale of forfeited property.
- To provide the maximum level of funding authorized in support of ongoing investigations.

PROGRAM OBJECTIVES:

- To pay expenses for detention, inventory, safeguarding, maintenance of property seized for forfeiture, and the disposal of forfeited property.
- To pay case-related expenses for perfecting the forfeiture of seized property.
- To ensure that valid third-party interests are not jeopardized unreasonably in the enforcement of forfeiture statutes.
- To strengthen overall asset seizure and forfeiture efforts by funding certain program-related expenses allowable by statute.
- To promote effective law enforcement by sharing amounts realized from forfeitures with State, local, and foreign law enforcement agencies that contributed directly to the forfeiture.
- To pay awards for information and assistance leading to civil or criminal forfeitures involving any Federal agency participating in the fund.
- To equip conveyances for law enforcement purposes.
- To assist in major investigations and prosecutions by making funds available to purchase evidence of violations of the Controlled Substances Act, the Controlled Substances Import and Export Act, RICO, or criminal money laundering laws.

ACTIVITY: ASSETS FORFEITURE FUND

Reversion, Indefinite Authority
 1. Program Operations.....
 Appropriated, Definite Authority
 2. Investigative Expenses.....
 Total Budget Authority.....

1998
Amount
 \$355,000
 23,000
\$378,000

SAME PROGRAM DESCRIPTION:

Identifying, seizing, and forfeiting illegal assets plays an increasingly important role in the Federal Government's efforts to stop crime and punish criminals. When assets are seized, they are placed in a Federal Assets Forfeiture Fund account. Real property and other assets of the enterprise can disrupt operations severely. This, in turn, can create further difficulties for these illicit syndicates. However, not until 1985 was there a suitable funding source to cover the direct expense associated with an aggressive asset forfeiture program, such as storage, security, maintenance, liens, mortgages, auctions, and advertising. The Comprehensive Forfeiture Act of 1984, part of the Comprehensive Crime Control Act of 1984, (P.L. 98-473, title II, Chapter III), remedied this problem by creating the Assets Forfeiture Fund within the Department of Justice.

Over the Fund was in place, the Department began placing greater emphasis on the identification, location, seizure and forfeiture of assets as a standard aspect of major investigations. In addition, the Department sought and obtained authority to share forfeited assets with State and local law enforcement agencies and foreign governments that assisted in the law enforcement effort leading to the forfeiture. Today, hundreds of joint investigations involving thousands of State and local law enforcement officials are occurring across the country. Also, there are a greater number of cases involving assets in foreign countries.

After seizure, the Federal investigative agencies have a critical role in getting the legal forfeiture process started by: (1) providing personal notice to the owner, and advertising the seizure to the public; (2) handling claims for the property from owners, lienholders, and State and local agencies with an "equitable share" in the property; and, (3) if the forfeiture is uncontested, issuing a "Declaration of Forfeiture", closing out the case file, and notifying interested parties of the outcome. If the asset under seizure is real property or valued in excess of \$500,000, or if a claimant files a claim and posts a cost bond, then the case is referred to the appropriate U.S. Attorney's Office for judicial forfeiture proceedings. Following a forfeiture determination, whether judicial or administrative, there are often petitions from innocent owners that need to be investigated and answered. Finally, if the forfeited property is not transferred to a Federal, State or local agency for official use, or destroyed, it must be marketed and sold. Only then can revenues be deposited in the fund.

Depending on the type of property involved, the strength of the market, the need to address petitions, and other factors, this entire forfeiture and disposal process may take 12 to 24 months. During this process, the property must be properly maintained to protect its value and efficiently disposed of after forfeiture. Revenue generated from the sale of the property is deposited into the Assets Forfeiture Fund. The Department of Justice is responsible for the later disposition of the property and for replenishing the fund. Under current law, proceeds from forfeited assets are deposited into the Assets Forfeiture Fund and administered by the Department of Justice. There are also statutory exclusions for certain fish and wildlife seizures, the proceeds from administrative forfeitures by the non-Justice agencies, and the net proceeds from forfeitures under 1882A. Once property is sold, the equitable interest, if any, earned by direct participation in the case, is distributed to the appropriate State and local law enforcement agencies. Often, in lieu of sale or property, the property is placed into official use by a participating State and local law enforcement agency or by a Federal agency.

For several years, the Federal agencies involved in the forfeiture program worked together to build a unified Federal forfeiture program, with consistent policies and procedures applicable to all agencies. The U.S. Customs Service was the only significant forfeiture agency operating under independent authority. However, in 1993, Congress enacted a major division in the Federal Forfeiture program by creation of a Treasury Forfeiture Fund to replace the Customs Forfeiture Fund. Beginning in 1994, three Treasury law enforcement agencies formerly participating in the Department of Justice Forfeiture program (Customs, Coast Guard, and Fish and Wildlife Service) are now depositing their forfeited proceeds into the Treasury Fund. In these instances where the seizures resulted from a joint operation involving an agency participating in the Justice fund, a sharing of the proceeds with the Justice fund will occur. The reverse is also true. Efforts to coordinate the practices and policies of both forfeiture programs and funds continue in order to ensure the vitality and integrity of this important law enforcement tool.

ANNUAL PERFORMANCE GOALS:

The following performance measures have, traditionally, been identified in the fund's annual financial statements, after the close of the fiscal year. With regard to the number of assets in inventory and their value, annual objectives are not established in advance of a fiscal year in order to avoid even the appearance of targeting or a "speed trap" approach to forfeiture. The decline projected in the ratio of net income being paid out as equitable sharing reflects improved performance in recovering direct costs prior to computing equitable shares. Additional performance measures will be developed after the Consolidated Asset Tracking System (CATS) is fully implemented.

	1996 Actuals	1997 Estimate	1998 Estimate
Assets in Inventory, end-of-year.....	28,421	29,000	30,000
Value of Assets in Inventory, end-of-year.....	\$1,138,800,000	\$1,190,000,000	\$1,359,000,000
(exclusive of BCCI cash)			
Total Deposits to Assets Forfeiture Fund.....	\$334,132,735	\$375,000,000	\$390,000,000
Value of Property Placed Into Official Use By Federal, State, and Local agencies.....	\$10,100,000	\$10,000,000	\$10,000,000
Level of proceeds generated from the sale of forfeited property.....	\$73,506,451	\$85,000,000	\$93,000,000
Level of asset management and disposal expenses incurred.....	\$35,500,515	\$35,000,000	\$37,000,000
Ratio of asset management and disposal costs to the disposed property value.....	45.62	41.28	39.82
Ratio of Equitable Sharing Payments to Net Income.....	46.12	43.01	40.02

RECEIPTS

For 1999, the Department estimates that receipts to the fund will be about \$390,000,000, an increase of \$17,000,000 compared to the revised, lower estimate for 1997. This amount includes estimates of \$150,000,000 in forfeited cash, \$150,000,000 in proceeds from the sale of property, \$30,000,000 in interest on investments, and \$60,000,000 in miscellaneous income. The investment income includes \$15,000,000 earned from ECI cash on deposit. ECI interest earnings are subject to distribution by court order and are not available for operational costs of the fund. Factors considered in arriving at the total 1998 net income estimate include:

- (1) The level of production of Assistant U.S. Attorneys (AUSA), investigative agents, and U.S. Marshals Service (USMS) personnel in handling seizures and forfeitures, and contract personnel assisting in processing seizures. The program was declined, based upon the direction of the Attorney General to the Department, and the Department's decision to focus additional analytical effort on the forfeiture aspects of major cases. By 1998, these efforts should begin to show positive results.
- (2) The decline in seized asset inventory reflects many factors. A major factor in the decline was the concern over "double jeopardy" created by the Ninth Circuit's decision in *United States v. \$1,500,000*, 97-1522 (9th Cir. 1997). The court held that civil forfeiture of criminal property constituted "jeopardy" for purposes of double jeopardy. This decision has been cited by the Ninth Circuit in subsequent cases, and the Department is currently reviewing the impact of this decision on its forfeiture program. The Department is also reviewing the impact of the Supreme Court's decision in *United States v. \$120,000*, 97-1522 (S. Ct. 1997), which held that civil forfeiture is not a punishment and therefore does not constitute "jeopardy" for purposes of double jeopardy. This decision eliminated a major barrier to reinvigoration of the use of the forfeiture sanction.
- (3) The increased emphasis on money laundering and international forfeitures could generate substantial additional receipts annually. Hundreds of millions of dollars in illegal proceeds have been secreted overseas. If progress is made in piercing the international banking veil, more of these funds will be subject to repatriation and forfeiture. While the repatriation of assets is not currently a significant source of fund receipts, the Department has made significant progress in recent years in explaining and convincing foreign governments that such cooperation is in their best

SYSTEMS AND OPERATIONS EXPENSES

Indefinite (mandatory) authority

Management and Disposal of Seized Assets	FY 1997 Estimate	FY 1998 Estimate	Increase/Decrease
1. Management of Seized Assets	\$35,000,000	\$37,000,000	\$2,000,000

weather, important areas requiring funding in the assessment, containment, and removal of hazardous waste from seized property. The estimate for 1988 reflects an increase of \$15 million for this activity, compared to about 19.5 million in 1987. The USGS and DEA will continue to utilize the Corps for disposal of toxic and hazardous substances. The Fund has been instrumental in allowing for the development of an environmentally sensitive method for hazardous waste disposal. These costs include the expenses of packaging, transporting and destroying precursor chemicals and other hazardous materials seized at clandestine lab sites by certified hazardous waste disposal firms. The Department of Justice is also using the Army Corps of Engineers, on a reimbursable basis, to provide site surveys and assessments of environmental damage from seized properties with suspected hazardous waste contamination. The Corps also provides estimated costs for the clean up of such properties. This service facilitates more informed decisions on the forfeiture or release of such property.

Other Asset Specific Expenses

FY 1997 Estimate	FY 1998 Estimate	Increase/Decrease
\$24,000,000	\$25,000,000	\$1,000,000

Also included in this expense category is an estimate of \$11 million for expenses associated with the prosecution of a forfeiture case or the execution of a forfeiture judgment, such as advertising, travel and subsistence, court and deposition reporting, courtroom exhibit services, and expert witness costs. In forfeiture cases, the services of foreign counsel may be necessary. In this area, advertising is the single

most significant expense. Under current law, the Department must advertise each seizure three consecutive weeks in a newspaper of general circulation in the area of the seizure. This is in addition to the cost of direct notice to all putative claimants by certified mail or otherwise. Thus, this expense is directly related to the volume of seizures. In 1996, advertising expense totaled approximately \$6 million. If the volume of seizures continues to decline, advertising expense will decline. The Department projects that advertising expenses are expected to decline to only \$5 million. An increase in advertising costs is projected for 1998. It is essential that these expenses be met in order that the asset title converts properly, at the same time ensuring due process rights of citizens.

1997 Estimate	1998 Estimate	Increase/Decrease
\$170,000,000	\$180,000,000	\$10,000,000

3. Equitable Sharing Payments

Equitable sharing payments represent the transfer of portions of federally forfeited cash, and proceeds from the sale of forfeited property, to state and local law enforcement agencies and foreign governments that directly assisted in targeting or seizing the property. Most law enforcement agencies, for example, result in property forfeitures whose proceeds are shared among the participating agencies. A substantial number of cases by the Federal Bureau of Investigation (FBI) and DEA include participation by state and local law enforcement agencies. The FBI estimates that approximately 60 percent of its cases, involving about 40 percent of a net value, involve state and local agencies. For DEA, about 75 percent of its cases involve state and local agencies. The Department estimates that approximately 50 percent of the cases of the Federal, state and local agencies, the percentage of net proceeds shared increased over the years. The level of equitable sharing workload of the USAS also reflects this trend. In 1996, the USAS executed 1,327 sharings. By 1998, the number of sharings is expected to be about 28,000 per year. From 1989 through 1996, sharing payments averaged about 45 percent of net income. This percentage is increasing as federal investigative agencies are conducting fewer independent investigations. Thus, the decline in sharing since 1995 reflects the decline in overall receipts, not a decline in the rate of sharing.

1997 Estimate	1998 Estimate	Increase/Decrease
\$40,000,000	\$41,000,000	\$1,000,000

4. Special Contract Services

The Department of Justice asset forfeiture program is making extensive use of contract personnel to manage the massive paper flow associated with forfeiture. During 1996, the Department reduced significantly the number of contract personnel nationwide to perform data entry, data processing, and clerical functions. This reduction was made possible by the use of contract support, which is a more efficient way of doing the work. Automated data bases, process the terms of thousands of equitable sharing requests, or maintain the terms of thousands of forfeiture case files. For all practical purposes, the forfeiture program would grind to a halt, income to the fund would reduce to a trickle, expenses for maintenance and storage would increase, and the market value of property languishing in inventory would be adversely affected. The increase for 1998 reflects primarily rate increases instead of increased numbers of workers.

1997 Estimate	1998 Estimate	Increase/Decrease
\$36,000,000	\$18,000,000	-\$18,000,000

5. ADP Equipment

The major information system development plan initiated in 1990 should be fully implemented in 1997. From an automation viewpoint, 1997 will be a period of rapid change for the Department's information systems. The Department is currently in the process of implementing a new information management system, which will tie together all the information in the Department's information management system. Existing agency data bases will have been converted to CUIS. Operating procedures updated. System users retrained, and parallel testing concluded. For the first time, on a full-year basis, in 1997, the Department of Justice will be able to prepare complete reports on all asset forfeiture activity on a contemporaneous basis. Investigative and prosecutive agencies will be able to access the actual results of their efforts, and office, agency and Department managers will be able to assess the efficiency of the forfeiture program and estimate future program results. In addition, the Department is currently in the process of implementing a new information management system, which will tie together all the information in the Department's information management system. This system will produce more informative financial statements that reflect the full economic activity of the asset forfeiture program. Other alternatives will be pursued.

CUIS will tie several hundred locations together into a national telecommunications network, provide modern technology to perform many tasks currently done manually or to make automated tasks more efficient, eliminate redundant entry of information, provide consistency among the agencies performing the same functions, provide current information to field personnel on the status and results of their cases, integrate

limited financial analysis capabilities into the inventory management process, provide a rational process for the estimation of program income and expenses, provide a formal basis for the assessment of staffing requirements, and provide for: (1) recurring costs of operation and maintenance of the C&IS telecommunications network; (2) recurring costs of system and equipment maintenance; (3) recurring costs of user training; (4) recurring costs of the user support facility (e.g., a "help" line); and (5) data center charges in support of the network. The amount requested for 1998 represents a reduction of \$8,000,000 from 1997 estimates as the result of nonrecurring implementation costs.

	FF 1997 Estimate	FF 1998 Estimate	Increase/Decrease
Training and Printing	\$5,000,000	\$4,750,000	-\$250,000

Training on forfeiture and forfeiture-related subjects will continue to be a priority due to the constant evolution and development of asset forfeiture law and policy, and because of the addition of new staff. In 1997 and 1998, training of agents will be emphasized as part of the ongoing efforts to increase the effectiveness of the forfeiture program. The Department will continue to support the training of staff of law enforcement agencies, including the FBI, DEA, and other federal, state, and local law enforcement agencies. The Department will continue to support the training of staff of the Criminal Division and the U.S. attorneys. The Department will continue to sponsor 6-10 training conferences per year, including basic and advanced seminars for forfeiture attorneys, training courses for all support personnel, and specialized criminal and civil forfeiture courses for select judges, etc. This plan includes funding for three money laundering conferences, support for conferences put on by other federal, state, and local law enforcement agencies, and up to four international conferences. Printing costs reflect the continuing need to provide current legal advice and support by updating and distributing its forfeiture manual, and for printing numerous pamphlets directly relating to forfeiture issues, policies, and procedures.

	FF 1997 Estimate	FF 1998 Estimate	Increase/Decrease
Other Program Management Expenses	\$9,000,000	\$9,500,000	\$500,000

This category includes several types of expenses that are important to the overall management of the asset forfeiture program. This funding will be used to support the Department's efforts to improve its performance, including the acquisition of policy development and other services projects designed to improve program performance. This funding will provide travel and per diem funds for temporary duty assignments needed to correct program deficiencies. In addition, the Department recently awarded a task order contract with a national accounting services firm. When the USFS learns that seizure of a business is imminent, they will be able to prepare a task order to obtain the professional services needed to conduct a valuation of business inventory, to complete an assessment of assets and liabilities of the business, or to perform other related services to facilitate informed decisions on the management and disposition of seized assets. The Department will continue to fund the acquisition of a new computer system for the management of the Department's forfeiture program, and the Department will continue to fund the acquisition of a new computer system for the management of the Department's forfeiture program. Such audits are now also required by law. This category also includes the non personnel costs of the U.S. Marshals Service's seized asset program, now within the Business Services Division, and all administrative costs of the Asset Forfeiture Management Staff, Justice Management Division.

	FF 1997 Estimate	FF 1998 Estimate	Increase/Decrease
Contracts to Identify Assets	\$3,000,000	\$4,000,000	\$1,000,000

In 1999, the Department approved funding of \$2.9 million for fund participants to procure contracts to aid in the identification of forfeitable assets. In the past, the FBI used the funds to pay for subscription services to nationwide public records data systems, and DEA established program in field divisions to perform significant research and analysis of seized assets. This funding offers significant savings toward a goal that will enhance the Department's ability to identify and seize assets. This funding offers significant savings toward a goal that will enhance the Department's ongoing effectiveness of forfeiture as a law enforcement tool. Frequently assets obtained with ill-gotten gains are discovered only with the aid of sophisticated data bases. With more flexible authority to fund this type of service, the forfeiture program will make strides in its

The resources requested for 1993 will be used to identify assets during the investigative stage of the case where such research will enhance the effectiveness of an asset forfeiture sanction. If the government can improve upon the identification of ill-gotten assets, the insidious nature of the criminal wrongdoing can be better demonstrated and reinforced before the jury. Such evidence tends to result in stiffer penalties for hard-core criminals who may have dodged such penalties in the past by successfully concealing such assets, only to be released to continue, and finance, further criminal activities with such assets. It is just this kind of "criminal financing" that the forfeiture laws are intended to deter.

9.	Storage, Protection, and Destruction of Controlled Substances	FF 1997 Estimate \$1,000,000	FF 1998 Estimate \$750,000	Increase/Decrease -\$250,000
This is an uncontrollable asset-specific expense consisting of the costs of warehousing and guarding controlled substances, and the costs associated with the removal, transportation, and destruction of these substances. This funding was also used to purchase sites for the storage of controlled substances.				
10.	Joint Federal/State and Local Law Enforcement Operations	FF 1997 Estimate \$30,000,000	FF 1998 Estimate \$30,000,000	Increase/Decrease ...
Public Law 102-393, referred to as the 1993 Treasury Appropriation Act, amended title 28 U.S.C. 534(c), vesting one authority for the Federal Bureau of Investigation to pay for "overseas, travel, fuel, training, equipment, and other costs of state or local law enforcement officers that are incurred in a joint law enforcement operation with a federal law enforcement agency participating in the fund." Such cooperative efforts have significant potential to benefit both federal and state and local law enforcement efforts. The Department has implemented policy for the allocation of resources to this new authority, and during 1998, \$10.5 million of this authority was provided to support the Department's efforts to combat the drug trade in the Southwest. The Department's efforts to combat the drug trade in the Southwest, an additional \$9 million was set aside for continued bond and seed projects. In 1997 and 1998, providing receipts materialized as projected, a total of \$30 million is set aside for these activities. Such expenditures are fully consistent with the Attorney General's top program priorities including those efforts to reduce violent crime, and to reduce the inordinate expansion of organized crime, among others.				
	Awards for Information Leading to a Conviction	FF 1997 Estimate \$1,000,000	FF 1998 Estimate \$1,000,000	Increase/Decrease \$1,000,000

Section 116 of Public Law 104-208, dated September 30, 1996, amended the Justice Fund statute to treat payments of awards based on the amount of the forfeiture the same as other costs of a forfeiture. Historically, this authority represented less than 10 percent of award payments. Based on the reduced level of award payments in recent years, we estimate approximately \$3 million in such awards in 1998.

INVESTIGATIVE REFINES

Awards for Information and Purchase of Evidence	FY 1997 Estimate	FY 1998 Estimate	Increase/Decrease
	\$21,000,000	\$21,000,000	...

wards payable from the fund directly support law enforcement efforts by encouraging the cooperation and assistance of informants. In 1997, one category of funds from definite authority, "Funds for assistance paid directly to the forfeiture of property," was established. These funds are available for the payment of criminal debt, including information leading to the arrest and conviction of persons who kill or kidnap a federal drug law enforcement agent. Beginning in 1998, only the latter category will be funded from definite authority. The fund may also be used to purchase evidence of violations of the drug laws, of AICO, and of criminal money-laundering laws.

payment of awards to sources of information creates tremendous motivation for individuals to assist the government in the investigation of

FY 1997 Estimate	FY 1998 Estimate	Increases/Decreases
12,000,000	12,000,000	...

...

[illegible]

Assets Forfeiture Fund
Status of Congressionally Requested Studies, Reports and Evaluations

Reference: M.R. 106-106, page 19: "Review feasibility of consolidating asset management disposition contracts with vendors providing these services for both the U.S. Marshall's Service and the Department of the Treasury agency."

We understand that the committee is concerned about two issues, the timelines of disposal of forfeited assets and the high costs incurred in property management and disposal. Timeliness of disposal is a major factor in the level of costs incurred. We have compared our recent experience with property management to recent years. A report has been prepared and will be forwarded to the committee as soon as appropriate clearances are obtained. The report reflects our efforts to improve disposal times for certain categories of property but our experience is not uniform. Further, additional analysis must be completed before we can isolate the reasons for delay in those areas where delays are evident. In part, our ability to complete this analysis is dependent upon implementation of the Consolidated Asset Tracking System (CATS) this year. One of the major benefits of CATS is that it will enable more aggressive management of various properties within the forfeiture community.

The feasibility of consolidating property management functions, with the Treasury Department as less promising. The Treasury Department has no personnel at the field level, with property management and a national contractor, who are able to manage joint contracts for locally provided services. The Justice Department utilizes hundreds of contractors locally under the direction and oversight of the U.S. Marshals Service. Attempting to consolidate these two approaches directly is not practical. Consolidation with the Treasury Department is only feasible if (1) the Department of Justice turn all its property management and disposal functions over to a central, national contractor, (2) the U.S. Marshals Service turn all its property management and disposal functions over to a central, national contractor, or (3) the U.S. Marshals Service and the Treasury Department have serious reservations concerning the merger of responsibility for property management and disposal under a national contractor. Our experience is that this approach makes it difficult for the selling agency and the U.S. Attorney's Office to gain access to important information during prosecution of the case or conduct of ancillary proceedings. Further, we have had negative experiences when the national contractor has expressed reluctance over accepting responsibility for a certain property because the contractor perceives the property as affecting its profit margin adversely. This is unacceptable. The U.S. Marshals Service reluctance to accept responsibility for additional assets controlled and represented by the Treasury agency arises, while the Treasury Department reluctance to accept responsibility for the assets controlled and represented by the U.S. Marshals Service arises, from the fact that while meeting other, often competing demands for services, has created significant conflict in certain offices. Even if additional staff are made available by the Treasury, the consolidated program will place even greater demands on the Service. Also, as noted earlier, one reason Treasury sought a national contractor is because it had no staff available to manage this function in the field. The creation of a separate, field based agency (a federal service bureau) to support all federal forfeitures has not been fully explored. The major questions to be answered are how it would be staffed, how it would be managed to avoid interagency rivalries, and whether it could operate more efficiently than the current arrangement. It may not be practical if property management and disposal are to be consolidated. The U.S. Marshals Service is currently studying the feasibility of consolidating its property management and disposal functions, and meeting its six goals in improving the current practices and program controls in an attempt to keep costs under control and to improve accountability and efficiency in both funds.

Assets for future fund
1998 Priority Savings

ALL PROGRAM	
Expense Category	Budget
Personnel, Indefinite	
Program Operations Expenses	1
Appropriated, Definite	
Investigative Expenses	2

1001

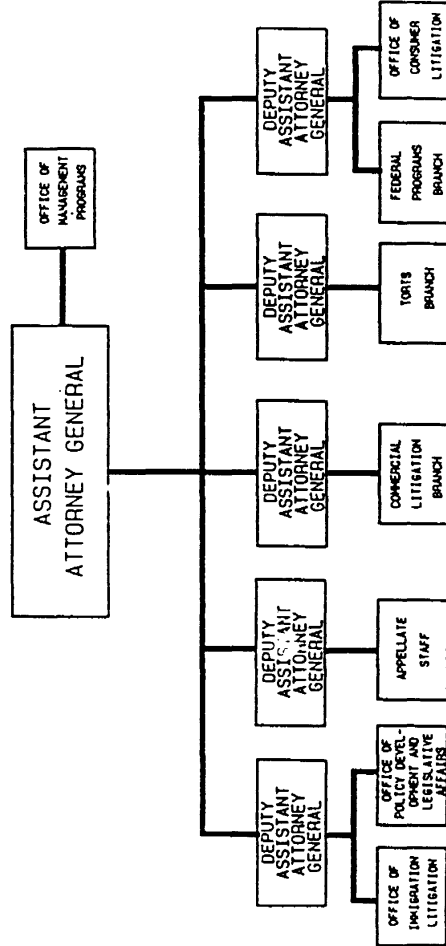
Assets for future fund
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1996		1997		1998		Increase/ Decrease(2)
	Actuals	As forecasted	Actuals	As forecasted	Actuals	As forecasted	
11.8 Special personal services payments	3,137	3,137	3,137	3,137	3,137	3,137	0
Total, personnel compensation	3,137	3,137	3,137	3,137	3,137	3,137	0
12.1 Personnel benefits	104	235	235	235	242	242	9
21 Travel and transportation of persons	3,776	3,850	4,000	4,000	4,000	4,000	150
22 Transportation of things	873	723	700	700	700	700	0
23.1 Rental payments to GSA	6,149	6,200	6,500	6,500	6,500	6,500	300
23.2 Rental payments to others	1,264	1,264	1,264	1,264	1,264	1,264	0
21.5 Communications, utilities and misc. charges	1,264	2,450	3,200	3,200	3,200	3,200	750
24 Printing and reproduction	2,220	2,400	2,600	2,600	2,600	2,600	200
25 Other services	340,245	375,737	340,592	340,592	340,592	340,592	-27,140
26 Supplies and material	303	400	400	400	400	400	0
31 Equipment	6,000	6,000	6,000	6,000	6,000	6,000	0
32 Information systems	---	---	---	---	---	---	---
65 Interest and dividends	---	---	---	---	---	---	---
Total obligations	359,137	401,421	376,000	376,000	376,000	376,000	-25,421
Relationship of obligations to dollars:							
Obligated balance, start of year	335,072	248,218	275,708	275,708	275,708	275,708	0
Obligated balance, end of year	359,137	401,421	376,000	376,000	376,000	376,000	0
Outlays	359,137	401,421	376,000	376,000	376,000	376,000	0

Department of Justice
Radiation Exposure Compensation
Administrative Expenses
Estimate for Fiscal Year 1998
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CIVIL DIVISION



Approved:  Date: 7-3-90
 ALICE THOMPSON
 Attorney General

Department of Justice
Radiation Exposure Compensation
Administrative Expenses
Fiscal Year 1998

The Radiation Exposure Compensation Act of 1990 offers an apology and monetary compensation to individuals exposed to radiation released during above-ground nuclear weapons tests and uranium mining. The Act was amended by the National Defense Authorization Act for FY 1991 to include payments to individuals who participated onsite in atmospheric nuclear tests. Payments to affected individuals come from the Radiation Exposure Compensation Trust Fund authorized by the Act. Although the program activities of the Department of Defense and the predecessors to the Department of Energy precipitated the need for the Act, the Attorney General is responsible for the disbursement of the Fund and has delegated the administration of the Fund to the Civil Division's Radiation Exposure Compensation Program.

To administer the Program, the Civil Division was provided new positions and funds through a direct allocation to the General Legal Activities appropriation in 1992. In order to more effectively reflect the administrative costs associated with the program, the Civil Division requested that the Department transfer funds from the General Legal Activities appropriation. The 1993 appropriation was scored against the Defense classification and through a reimbursable agreement, was made available to the Civil Division under Object Class 25.0 (Other Services). Between 1996 and 1997, funding was reduced by \$655,000 to the current level of \$2,000,000. This decrease aligned funding more closely with actual costs incurred. Initially, a staff of 17 was hired to handle the expected deluge in claims. Currently, the program has 13 employees, including attorneys, paralegals, claims examiners, a nurse and a legal assistant.

The Program was implemented in April 1992. Through 1996, a total of 6,086 claims and appeals have been processed. While the number of receipts dropped in 1996, the complexity and the labor-intensity of the workload increased. Relatively fewer claims and appeals were found to be meritorious without additional information or verification, which required additional processing time. In 1996, 737 claims and appeals were processed, compared to 982 terminations in 1995.

Statutory and regulatory changes are being considered by the Administration which would bring the Program in line with current medical knowledge. Such changes would reverse the downward trend in receipts and claims for the next several years. Accordingly, the Civil Division will continue to require \$2,000,000 in budget authority to cover costs associated with administering the Program through 1998.

Department of Justice
 Radiation Research Commission
 Administrative Expenses
 Justification of Federal Claims in Information Language

Administrative Expenses

For necessary administrative expenses in accordance with the Radiation Research Commission Act, \$2,000,000. Further for the foregoing purposes during fiscal year 1953, \$2,000,000. (Department of Justice Appropriations Act, 1953.)

Department of Justice
Radiation Exposure Compensation
Administrative Expenses
Comparison of 1997 Changes
(Dollars in thousands)

Activity/Program	1997 President's Budget Request		Authorization		1997 Appropriation	
	FY 97	FY 98	FY 97	FY 98	FY 97	FY 98
Radiation Exposure Compensation Administrative Expenses	...	\$2,000	...	...	...	\$2,000

Department of Justice
Radiation Control Administration
Administrative Expenses
Summary of Requirements
(Dollars in thousands)

	1997 As Requested	1998 Base	Program Changes (See Program Narrative for Details)	1998 Estimate	Perf. Est.	Net. Avail. Amount
Adjustments to Base:						
1997 As Requested	\$2,000
1998 Base	2,000
Program Changes (See Program Narrative for Details)
1998 Estimate	2,000

	1997 Appropriation		1998 Base		1998 Estimate		Increase/Decrease	
	Perf. Est.	Perf. Est.	Perf. Est.	Perf. Est.	Perf. Est.	Perf. Est.	Perf. Est.	
Estimates by								
Radiation Exposure	...	...	...	...	...	...	...
Compensation	...	...	...	...	...	...	...
Admin. Expenses	...	...	...	...	...	...	...
	\$2,655	\$1,095	\$2,000	\$2,000	\$2,000	\$2,000	...	

The Fund is used to compensate individuals exposed to radiation released during above-ground nuclear weapons tests and uranium mining. In 1992, the Civil Division of the Department of Justice was appropriated funds to implement the program. Beginning in 1993, funding was scored against the Defense Functional Classification and made available to the Civil Division of the Department of Justice under Object Class 25.0 (Other Services).

**Radiation Exposure Compensation
Administrative Expenses
Salaries and Expenses
Program Performance Information
(Dollars in Thousands)**

		Perm. FOL	FTE	Amount
Radiation Exposure Compensation Administrative Expenses				
1997 Appropriation Anticipated		\$2,000
1998 Base		\$2,000
1998 Estimate		\$2,000
Increase/Decrease	

Base Program Description

The Radiation Exposure Compensation Act of 1990 offers an apology and monetary compensation to individuals exposed to radiation released during above-ground nuclear weapons tests and uranium mining. The Act was amended by the National Defense Authorization Act for FY 1991 to include payments to individuals who participated onsite in atmospheric nuclear tests. Payments to affected individuals come from the Radiation Exposure Compensation Trust Fund authorized by the Act. The Act provides for payments to individuals who developed specified diseases, based on the type of exposure: \$50,000 to individuals who lived downwind of nuclear test sites, \$75,000 to persons who participated onsite in atmospheric nuclear tests and \$100,000 to individuals employed as uranium miners.

Although the program activities of the Department of Defense and the predecessors to the Department of Energy provided the funding for the Act, the Secretary of Defense transferred responsibility for the administration of the Fund to the Department of the Interior. In March 1992, the Program published regulations structured to minimize the documentation requirements for individual claimants while providing maximum possible protection against fraud and abuse. To receive compensation, a claimant need only prove that he or she resided in one of the specified areas during the specified time period, participated in or was downwind of a nuclear weapons test or was an employee in an uranium mine and developed one of the designated ailments within a certain number of years. Additionally, should a claim be denied, a streamlined appeals process enables a claimant to seek review of a decision from the designated Appeals Officer within 60 days of the denial.

In addition to adjudicating claims and ensuring compliance with governing laws and regulations, the Program conducts extensive outreach. A team of Program staff are available on the Navajo Indian Reservation one week per month to individually respond to questions from current claimants and assist potential claimants in completing claim forms. This one-on-one contact is extremely beneficial in advising claimants of the current status of their claims, responding to specific questions and ensuring that future claimants are given the opportunity to successfully enter the Program. Representatives of the Navajo Nation routinely express their appreciation of these efforts and have requested that Program staff continue to provide this valuable service.

Outreach also includes the issuance of numerous press releases, the establishment and support of a toll-free phone line and participation in highly publicized events such as the annual Navajo Nation Fair and other community-based forums. At these events, staff members explain the Act and regulations and respond to

questions. Participants receive handouts, copies of regulations, claim forms and guidebooks. To further publicize the Program, the staff submits notices about the Program to several oncology association publications.

Other ways in which the Program has sought to facilitate the process for claimants and speed the delivery of service abound. For example, Program staff created special claims forms and guidebooks for each of the three claimant categories. Substantial effort was expended to make the forms and guidebooks easily usable by persons without an attorney. The Civil Division has fulfilled requests for over 11,000 of these claims packages. Program staff also developed release forms to obtain information from state, federal and private sources to assist claimants.

In addition, the Civil Division designed and implemented an automated system which maintains information about the claimants, victims, illnesses and radiation exposure. The system tracks actions due and completed by the staff and generates tickler reports used to manage the workload, schedule processing and assure that all cases are handled in a timely manner. The system also generates various letters and notices along with mailing labels to be sent to the claimants. Finally, the system enables the staff to provide prompt answers to the numerous status inquiries received.

1998 Resource Requirements

Work is expected to intensify through 1998 with the adoption of regulatory and statutory changes. Receipts are expected to increase 34 percent in 1998. The total number of claims and appeals processed in 1998 is expected to increase significantly, to 885. The increased number of claims processed, combined with the higher approval rates, are expected to increase awards nearly 30 percent from 1996. The current budget authority of \$2,000,000 should be sufficient to cover costs associated with outreach efforts and claims processing through 1998.

Accomplishments

More than any other Civil Division component, the Radiation Exposure Compensation Program provides a service directly to the public. Since its inception, Program managers have set performance targets which measure the Government's performance in processing claims. The Government has consistently exceeded its targets in its claims' fulfillment criteria and receive compensation. The performance targets have been set in two critical steps in the processing of claims: (1) limit the number of days between receipt of a claim and the date of the acknowledgement letter; to five; (2) limit the number of days between the date of the acknowledgement letter and the date of the initial request for information; to forty.

1. The "Acknowledgement" letter notifies claimants that a claim has been received, apprises them of their claim number and informs them of when they can expect to receive a decision. The more quickly the claimants are contacted, the more readily the most common questions are answered and the more opportunity they have to provide necessary documents and receive compensation.

2. A "request for information" letter notifies claimants of deficiencies in a claim, and informs them of the information needed to fulfill eligibility criteria and receive compensation.

In 1996, 96 percent of claimants were sent an acknowledgment letter within five days of receipt of their claims and 91 percent of claimants whose claims required additional information were notified within forty days of the dispatch of the acknowledgment letter. The program continues to strive for the optimum in service to claimants by setting performance targets of 95 percent for both indicators.

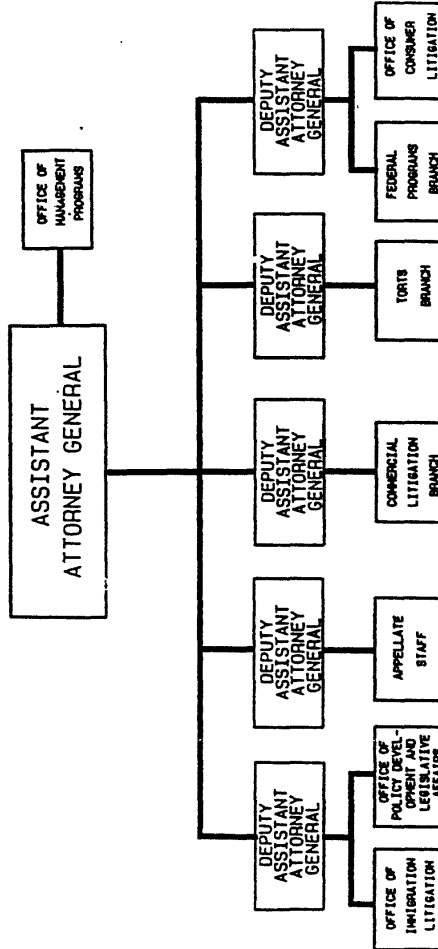
PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

NAME OF DECISION UNIT: Civil Division -- Radiation Exposure Compensation Program						
GOAL: To meet or exceed the expectations of our customers.						
Type of Indicator	PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS			
	Performance Indicators		1994 Actual	1995 Actual	1996 Actual	1997 Target
Input	1. Number of claims and appeals pending beginning of year		789	572	525	388
	2. Number of claims and appeals filed during year		1,459	915	600	651
Output/Activity	3. Number of claims and appeals approved during year		690	484	283	248
	4. Number of claims and appeals denied during year		966	558	454	450
	5. Compensation approved (in millions)		\$31.4	\$11.0	\$23.1	\$20.3
Outcome	6. Percent of "Acknowledgement" letters sent within 5 days		94%	96%	96%	95%
	7. Percent of "Request" letters sent within 40 days		94%	91%	91%	95%
A. Definitions of Terms or Explanations for Indicators:						
<ul style="list-style-type: none"> Indicators 1, 2, 3 and 4: Counts for these indicators were developed in a manner consistent with prior budget submissions Indicator 6: An "Acknowledgement" letter notifies claimants that a claim has been received, apprises them of their claim number and informs them of when they can expect to receive a decision. Indicator 7: A "Request" letter notifies claimants of deficiencies in a claim, and informs them of the information needed to fulfill eligibility criteria and receive compensation. 						
B. Factors Affecting FY 96 Program Performance:						
<ul style="list-style-type: none"> Indicator 7: The Program's workload has become increasingly complex to adjudicate, while staffing has remained flat. These factors may have inhibited the Program's ability to meet its target for this indicator in 1996 						
C. Factors Affecting Selection of FY 97 and 98 Targets:						
<ul style="list-style-type: none"> Indicators 2, 3, 4 and 5: The 1998 targets assume that the proposed regulatory changes will be implemented and the statutory changes will be enacted and that filings, awards and denials will increase. A Trust Fund appropriation of \$4.38 million has been requested in 1998. This amount, combined with monies carried forward from 1997 and expected interest, will enable the Program to make 1998 payments associated with awards totaling \$29.6 million. Indicators 6 and 7: The Radiation Exposure Compensation Program has set performance indicators of 95 percent. Although 1996 results for indicator 7 were shy of the mark, the Program will continue to strive for the optimum in service to claimants Designates an indicator covered by a requested 1998 program increase 						

Department of Justice
 Radiation Exposure Compensation
 Trust Fund
 Estimates for Fiscal Year 1998
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CIVIL DIVISION



Approved:  Date: 7-3-90
 DICK THOMPSON
 Attorney General

**Department of Justice
Radiation Exposure Compensation
Payments to the Radiation Exposure Compensation Trust Fund
Summary Statement
Fiscal Year 1998**

The Radiation Exposure Compensation Trust Fund was established to permit the payment of claims to individuals exposed to radiation as a result of atmospheric nuclear tests and uranium mining in accordance with the Radiation Exposure Compensation Act of 1990. The Act was amended by the National Defense Authorization Act for FY 1991 to include payments to individuals who participated onsite in atmospheric nuclear tests. The Act provides for payments to individuals who developed specified diseases, based on the type of exposure: \$50,000 to individuals who lived downwind of nuclear test sites, \$75,000 to persons who participated onsite in atmospheric nuclear tests and \$100,000 to individuals employed as uranium miners.

Although the Fund is available for disbursement only by the Attorney General, the program activities of the Department of Defense and the predecessors to the Department of Energy precipitated the need for the Act. Thus, the Department of Justice seeks appropriations on their behalf under functional classification 050 - Defense. To make payments to claimants, the Fund was appropriated \$30,000,000 in 1992; \$170,750,000 in 1993; and \$30,000,000 in 1997.

The Attorney General has delegated the administration of the Fund to the Civil Division's Radiation Exposure Compensation Program. Full-scale implementation of the Program began in April 1992. Through 1996, the Program received 5,823 claims, approved 2,660 awards totaling \$197,535,000 and denied 2,793 claims. Payments to claimants through 1996 totaled \$192,869,000. The award amounts drive the payment amounts, however, in any given year, payment totals differ from award totals due to the timing of the actual payments.

Statutory and regulatory changes are currently being considered by the Administration which would bring the Program in line with current medical knowledge. If the changes are adopted, the Program's workload and funding requirements are expected to increase in 1998 and beyond. To estimate the resource requirements for a modified Program in 1998, the Department of Justice assumes the following: (1) receipts will increase 54 percent over 1996 levels; (2) filings by miners will dominate the receipts, growing from 10 percent of the receipts in 1996 to 60 percent in 1998; (3) the number of claims and appeals processed will increase 20 percent from 1996 to 1998; and (4) the number of awards approved will increase nearly 30 percent over 1996.

Taken together, these assumptions point to the Program's approval of about 166 awards totaling \$29,575,000 in 1998. Payments in 1998 are estimated to be \$28,037,000. The balance of funds at the start of 1998, plus projected interest, is expected to be approximately \$23,656,000. Given these projections, payments will exhaust monies available in the Trust Fund in August 1998.

The Department of Justice seeks an appropriation of \$4,381,000 for 1998 under the functional classification 050 - Defense to cover projected payments to claimants in 1998. An advance appropriation of \$29,000,000 for 1999 is also sought.

Department of Justice
 Radiation Exposure Compensation
 Payments to the Radiation Exposure Compensation Trust Fund
 Justification of Proposed Charges in Appropriation Language

Payment to Radiation Exposure Compensation Trust Fund

For payments to the Radiation Exposure Compensation Trust Fund, \$12,736,000, not to be available for obligation until September 10, 1997.) \$4,381,000. Further for the foregoing purposes during fiscal year 1998, \$22,000,000. (Department of Justice Appropriations Act, 1997.)

Department of Justice
Radiation Exposure Compensation
Payments to the Radiation Exposure Compensation Trust Fund
Comparison of 1997 Changes
(Dollars in thousands)

Activity/Program	1997 President's Budget Request Amount	Congressional Appropriation Actions on 1997 Request Amount	Reprogramming Amount	1997 Appropriation Total Amount
Radiation Exposure Compensation Trust Fund	\$30,000	...	...	\$30,000 ¹

¹ \$16,264,000 available on October 1, 1996 and \$13,736,000 available on September 30, 1997.

Department of Justice
 Radiation Exposure Compensation
 Payments to the Radiation Exposure Compensation Trust Fund
 Justification of Program and Performance
 Activity Resource Summary
 (dollars in thousands)

	Perm. FOA	FTE	Amount
Radiation Exposure Compensation Trust Fund			
1997 Appropriation Anticipated	\$30,000
1998 Estimate	\$4,381

Basic Program Description

The Radiation Exposure Compensation Trust Fund was established to permit the payment of claims to individuals exposed to radiation as a result of atmospheric nuclear tests and uranium mining in accordance with the Radiation Exposure Compensation Act of 1990. The Act was amended by the National Defense Authorization Act for FY 1991 to include payments to individuals who participated onsite in atmospheric nuclear tests. The Act provides for payments to individuals who developed specified diseases, based on the type of exposure: \$50,000 to individuals who lived downwind of nuclear test sites, \$75,000 to persons who participated onsite in atmospheric nuclear tests and \$100,000 to individuals employed as uranium miners.

The Act authorizes a permanent, indefinite appropriation of "such sums as may be necessary to carry out its purposes." Amounts appropriated are to remain available until termination of the Fund in 2012, 22 years after the date of enactment. To make payments to claimants, the Fund was appropriated \$30,000,000 in 1992 and \$10,750,000 in 1993. During 1997, \$30,000,000 in appropriations will be available -- \$16,264,000 became available October 1, 1996, and \$13,736,000 will become available September 30, 1997.

Although the Fund is available for disbursement only by the Attorney General, the program activities of the Department of Defense and the predecessors to the Department of Energy precipitated the need for the Act. Thus, the Department of Justice seeks appropriations on their behalf under functional classification 050 - Defense.

The Act requires that any award be offset by the amount of previous payments that were based on the same injuries for which the claim under the Act was submitted. Examples of these offsets are disability and survivor's payments made by the Department of Veterans Affairs (VA), litigation awards and certain payments made by the Social Security Administration (SSA). Due to these offsets, the dollar value of awards will not always be in the amounts of \$50,000, \$75,000 or \$100,000. Moreover, the acceptance of payments under the program is a final settlement of all claims against the United States. Since \$100,000 is the maximum program award, eligible claimants may prefer the financial advantages of lifetime annuities paid by the VA or SSA.

The Attorney General has delegated the administration of the Fund to the Civil Division's Radiation Exposure Compensation Program. The program was established in April 1981 when the program received \$23 million in initial appropriations. Through April 1998, the program has received \$23,656,000 in appropriations. Through April 1998, the program has paid \$197,531,000 in awards to 2,791 claimants. The award amounts drive the payment amounts, however, in any given year, payment totals differ from award totals due to the timing of the actual payments. On average, two months elapse from approval of an award, to claimant's acceptance, to payment of the award.

Program Change

	Perm.	FY	Amount
	FSA		
Radiation Exposure Compensation			
Trust Fund.....			\$4,381

The President's Advisory Committee on Human Radiation Experiments, charged with investigating the history of experimentation conducted by the Federal Government during the Cold War, recommended that the Administration consider statutory and regulatory changes which would bring the program in line with current scientific knowledge. The changes are expected to increase approval rates and the number of awards in 1998 and beyond.

The projections which follow assume the adoption of regulatory and statutory changes:

- Receipts are likely to surge to \$26 in 1998 -- a 54 percent increase over 1996 levels. This higher level of receipts will continue in 1999.
- The number of claims and appeals processed in 1998 is expected to increase significantly, to 885. In 1999, processing will increase to 989 claims and appeals.
- The increased number of claims processed, combined with higher approval rates, are expected to increase awards 30 percent from 1996. About 366 awards are expected to be approved in 1998 and about 371 in 1999.
- The dominance of miner claims will become more pronounced -- an estimated 60 percent of 1998 and 1999 awards. The effect of the predominance of miner claims is an increase in the value of the average award, from \$70,000 in 1996 to nearly \$81,000 in 1998 and 1999.

Detailed workload estimates for 1998 and 1999 are included in the chart on page 9. In 1998, about 366 awards totaling \$29,575,000 are expected to be approved. Associated payments are projected to total \$28,037,000. The balance of funds at the start of 1998, plus projected interest, is expected to be approximately \$23,656,000. Given these projections, payments will exhaust monies available in the Trust Fund in August 1998. An appropriation of \$4,381,000 will be required to make payments to claimants for the remainder of 1998.

In 1999, about 371 awards totaling \$29,950,000 are expected to be approved. Associated payments are projected to total \$29,942,000. An appropriation of \$29,000,000, plus expected interest, will be required to make payments to claimants in 1999. The following chart depicts the estimated Trust Fund payments, interest earnings and balances.

Radiation Exposure Compensation Trust Fund
(Dollars in Thousands)

	1996	1997 (proj)	1998 (proj)	1999 (proj)
Starting Balance	\$35,171	\$14,502	\$23,251	\$0
+ New Appropriation ¹	....	30,000	4,381	29,000
+ Interest Earnings	464	585	405	1,000
- Payments	21,133	21,836	28,037	29,942
Ending Balance	14,502	23,251	0	58

¹ \$16,264,000 available October 1, 1996, and \$13,736,000 available September 30, 1997.

Radiation Exposure Compensation Program: 1995 - 1999 (Dollars in Thousands)

	1995 Actual	1996 Actual	1997 Estimate	1998 Estimate	1999 Estimate
Downwinders					
Pending, Beginning of Year	138	89	80	70	67
Claims and Appeals Received	280	202	178	264	281
Claims and Appeals Approved	175	92	82	129	133
Claims and Appeals Denied	154	119	106	138	158
Pending, End of Year	89	80	70	67	57
Onsite Participants					
Pending, Beginning of Year	76	71	69	74	81
Claims and Appeals Received	133	100	99	111	76
Claims and Appeals Approved	22	18	17	23	20
Claims and Appeals Denied	116	84	77	81	81
Pending, End of Year	71	69	74	81	56
Uranium Miners					
Pending, Beginning of Year	358	361	239	197	234
Claims and Appeals Received	502	298	374	551	573
Claims and Appeals Approved	207	173	149	214	218
Claims and Appeals Denied	288	251	267	300	359
Pending, End of Year	365	239	197	234	230
Total					
Pending, Beginning of Year	572	525	388	341	382
Claims and Appeals Received	915	600	651	926	930
Claims and Appeals Approved	404	283	248	366	371
Claims and Appeals Denied	558	454	450	519	598
Pending, End of Year	525	388	341	382	343
Value of Downwinder Approvals	\$ 8,750	\$ 4,600	\$ 4,100	\$ 6,450	\$ 6,650
Value of Onsite Approvals	1,542	1,178	1,175	1,725	1,500
Value of Miner Approvals	20,700	17,300	14,000	21,400	21,800
Value of All Approvals	\$30,992	\$23,078	\$20,775	\$29,575	\$29,950
Payments	\$31,242	\$21,133	\$21,836	\$28,037	\$29,942

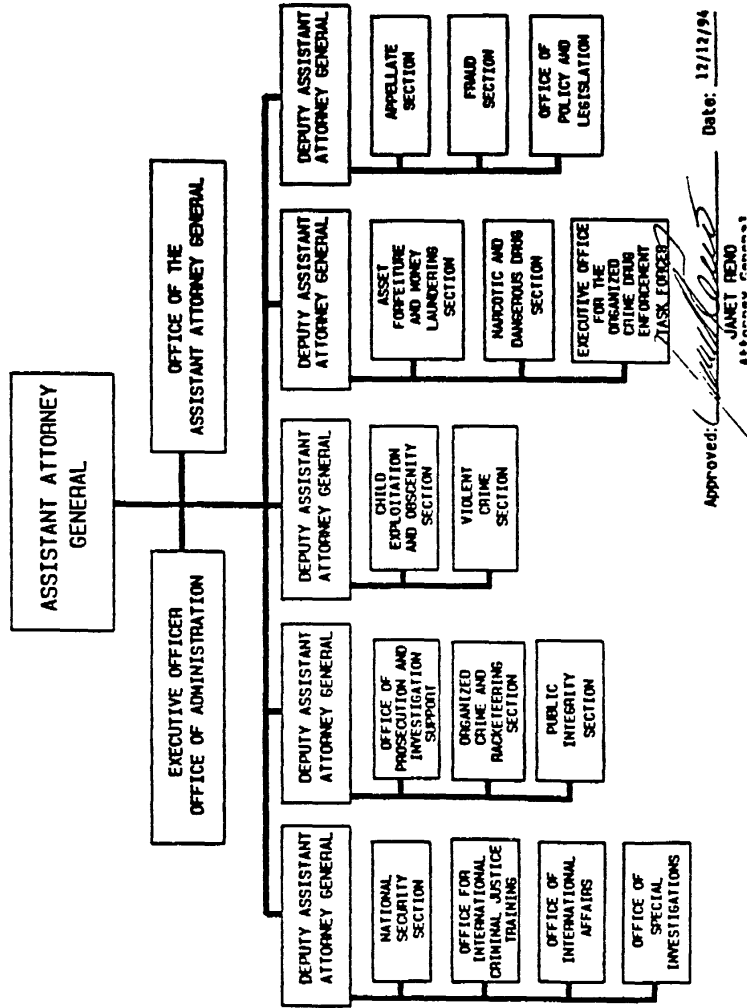
Department of Justice Radiation Exposure Compensation Payments to the Radiation Exposure Compensation Trust Fund Summary of Requirements by Object Class and Object Class (Dollars in thousands)									
Object Class	1996 Actual		1997 Estimate		1998 Estimate		1999 Estimate		Increase/Decrease 1999 Estimate vs. 1998 Estimate
	Positions & Salaries	Amount	Positions & Salaries	Amount	Positions & Salaries	Amount	Positions & Salaries	Amount	
11.1 Full-time permanent.....	...	...	...	...	...	...	...	...	...
11.2 Other than full-time permanent.....	...	...	...	...	...	...	...	...	...
11.3 Other personal services payments.....	...	...	...	...	...	...	...	...	...
11.8 Special personal services payments.....	...	...	...	...	...	...	...	...	...
Total.....	...	...	...	...	...	...	...	...	...
Reimbursable workyears:	...	...	...	...	...	...	...	...	...
12 Reimbursable workyears.....	...	...	...	...	...	...	...	...	...
Other objects:	...	...	...	...	...	...	...	...	...
13 Personnel benefits.....	...	...	...	...	...	...	...	...	...
14 Travel and transportation of persons.....	...	...	...	...	...	...	...	...	...
22 Transportation of things.....	...	...	...	...	...	...	...	...	...
23.1 GSA rent.....	...	...	...	...	...	...	...	...	...
23.3 Communications, utilities, and printing and reproduction.....	...	...	...	...	...	...	...	...	...
24 Other services.....	...	...	...	...	...	...	...	...	...
25 Supplies and materials.....	...	...	...	...	...	...	...	...	...
26 Equipment.....	...	...	...	...	...	...	...	...	...
41 Grants, Subsidies and Contributions.....	21,133	...	21,836	...	28,037	...	...	...	6,201
42 Insurance Claims & Indemnities.....	...	...	...	...	...	...	...	...	...
Total obligations.....	21,133	...	21,836	...	28,037	...	...	...	6,201
Unobligated balance, start of year.....	(35,171)	...	(14,366)	...	(23,110)	...	...	...	...
Unobligated balance, end of year.....	14,366	...	21,133	...	28,037	...	...	...	...
Total obligations.....	...	...	...	...	...	...	...	...	...
Relation of obligations to outlays:	...	...	...	...	...	...	...	...	...
Obligated balance, start of year.....	981	...	375	...	531	...	...	...	...
Obligated balance, end of year.....	175	...	1,021	...	1,021	...	...	...	...
Outlays.....	21,133	...	21,836	...	28,037	...	...	...	...

Department of Justice
 Interagency Law Enforcement
 Interagency Crime and Drug Enforcement
 Estimates for Fiscal Year 1998

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CRIMINAL DIVISION



Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Summary Statement
Fiscal Year 1998

The Interagency Crime and Drug Enforcement appropriation request for 1998 totals \$294,967,000. This funding will be used to support and maintain the Organized Crime Drug Enforcement Task Force (OCDETF) Program. A total of 3,015 reimbursable positions and 2,960 reimbursable workyears in 7 Department of Justice components will be funded through this appropriation. Reimbursement to participating agencies in the Department of Transportation and the Department of the Treasury is no longer included since resources will be available from other appropriation accounts in those Departments.

The OCDETF program consists of a nationwide structure of 9 regional Task Forces with participation by agency representatives from the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), Immigration and Naturalization Service (INS), U.S. Marshals Service (USMS), U.S. Attorneys (USA), U.S. Customs Service (USCS), Bureau of Alcohol, Tobacco and Firearms (BATF), the Internal Revenue Service (IRS), and the U.S. Coast Guard. Attorneys from the Criminal Division and the Tax Division also provide support as required. These Task Forces utilize the combined resources and expertise of its member Federal agencies in cooperation with State and local investigators and prosecutors to target and destroy major narcotic trafficking and money laundering organizations. A multi-faceted attack on highly sophisticated drug cartels requires unique capabilities combined into a comprehensive and orchestrated investigation and prosecution. Four objectives continue to guide the selection and conduct of investigations:

- To target, investigate and prosecute individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking enterprises, including large-scale money laundering organizations;
- To promote a coordinated drug enforcement effort in each region and encourage maximum cooperation among all drug enforcement agencies;
- To work fully and effectively with State and local law enforcement and prosecution agencies; and
- To make full use of financial investigative techniques, including tax law enforcement and forfeiture actions.

The OCDETF Approach

The management hierarchy of the OCDETF Program consists of the Assistant Attorney General -- Criminal Division, the Executive Office for OCDETF, the OCDETF Washington Agency Representatives Group (WARG), the OCDE Core City United States Attorneys, and members of the OCDETF Coordination Groups.

Headquarters and Field Organization

The Attorney General has delegated policy and administrative management and oversight for the OCDETF program to the Assistant Attorney General for the Criminal Division. In cooperation with headquarters representatives from the participating agencies, the Criminal Division monitors OCDETF activities nationwide; resolves program and policy issues that arise; and provides resource information to the Attorney General and the Deputy Attorney General. Primary oversight is provided by the WARG, chaired by a Deputy Assistant Attorney General and composed of senior managers from each member agency. It provides regular coordination and special multi-regional operational coordination, shares information on agency program management, and prepares issue and policy papers. A small administrative staff (known as the OCDETF Executive Office) located in the Criminal Division serves as the repository of information relating to OCDETF issues, and supports headquarters and field OCDETF activities by collecting and maintaining OCDETF statistics and managing OCDETF funding.

Within each of the OCDETF regions, one judicial district accepts responsibility for management of the OCDETF program within the region. Although this responsibility does not convey line authority over other U.S. Attorneys or over the personnel of investigative agencies, it does carry a duty to emphasize OCDETF activities in the region, and facilitate interaction among the various agencies and representatives of districts in the region. An OCDETF Regional Advisory Committee is composed of all the U.S. Attorneys within the region, the regional AUSA Coordinator, each agency's regional Coordinator, and the senior representatives of the investigative agencies throughout the region. This committee assists the U.S. Attorney charged with overseeing OCDETF activities within the region, ensuring compliance with policies and procedures set forth in the OCDETF Guidelines, and in otherwise developing effective strategies for responding to local, regional, and national drug trafficking threats.

The OCDETF Regional Coordination Group, generally housed in the U.S. Attorney's office, is composed of the lead AUSA and a Coordinator from each of the participating Federal investigative agencies. The Coordination Group serves all districts within a region. It is by decision of this body that cases throughout the region are approved. It is in response to their judgment that funding is allocated to State and local officers who assist in the investigation of OCDETF cases. It is through their activities that interagency, inter-district, and inter-regional cooperation is obtained and coordinated. The Regional AUSA Coordinator chairs the Coordination Group and maintains communications among OCDETF districts, across regions, and between the regions and the administrative staff in Washington.

The direction of a complex, multi-agency investigation carried on by skilled Federal and State/local agents need not be dictated by any one agency. Although the agency that first recommended the investigation generally plays the primary role in its management, the Coordination Groups draw upon the experience of all the participants. OCDETF investigators and attorneys are not limited to making a case based on one agency's jurisdiction. Rather, they have the opportunity to use the strongest statutes available. The data bases from which information can be obtained and the agencies' ability to use it is vastly expanded. The various Federal information systems, as well as State and local data bases, are available and easily accessed. More personnel strength and broader expertise in highly technical areas are available. The Coordination Group also provides a framework within which investigations can be simultaneously pursued in several parts of the country. Each Coordination Group has points of contact with its counterpart in the other regions. Thus, contacts are not between strangers, but between persons who view themselves as members of the same national priority program.

State and Local Participation

From the program's inception, State and local law enforcement elements have worked closely with OCDETF. The OCDETF Guidelines promote the coordinated involvement of State and local authorities in investigating, apprehending, and prosecuting major drug traffickers and their organizations. The increase in State and local participation significantly expands the available information and resources and broadens the choice of venue for prosecution.

Four features facilitate such coordination within the OCDETF program. First, States and local agencies are eligible for reimbursement from the Federal Government for designated expenses incurred when they participate in OCDETF cases. Second, State and local enforcement officials can be deputized as Federal officers under appropriate circumstances. Third, the OCDETF program facilitates the cross-designation of attorneys, with designated Federal attorneys participating in State prosecutions and State attorneys in Federal prosecutions. Finally, State and local law enforcement agencies benefit from their participation in OCDETF through the equitable sharing of asset seizures and forfeitures from these cases.

On an annual basis, OCDETF enters into approximately 1,200 agreements with State and local governments nationwide involving more than 6,000 State and local officers. Although local agencies continue to pay the salaries of their investigators who work on OCDETF cases, they are assisted in meeting the costs of overtime, travel, and per diem expenses resulting from their participation.

In 1997, the Department of Justice Assets Forfeiture Fund (AFF) provided \$5.3 million in funding for this program. The Treasury Department is providing an additional \$1 million from its asset forfeiture fund for State and local officers who participate in OCDETF cases sponsored by one of the three Treasury bureaus.

Regional Restructuring

On December 3, 1996 the Department of Justice received notification that the appropriate Congressional Committees had concurred with the reorganization plan for the OCDETF Program. This plan realigns the regions to respond more effectively to current and emerging drug trafficking patterns, to cluster district with common problems, and to enhance communications and coordination within and among regions. The result of this realignment is a reduction in the number of OCDETF regions from 13 to 9.

As the architects and principals of this plan, the United States Attorneys are in the process of formalizing plans to establish Advisory Councils in each of the new OCDETF regions. The Advisory Councils include United States Attorneys and Special Agents-in-Charge for the OCDETF agencies within each region, who will assume primary responsibility for the successful implementation of the restructuring. Together, they will address cross-cutting drug trafficking issues and work to formulate coordinated and aggressive regional and national strategies for strengthening the Federal, State and local law enforcement response.

The Advisory Councils will choose the location of the OCDETF Core City that will serve as the central site for coordination and communication within the region, among other regions, and with the OCDETF Executive Office. They will also select the Assistant U.S. Attorneys and agency representatives who will comprise the Regional Coordination Group. This group will provide full-time support to the Advisory Council in the administration of the OCDETF Program, including the coordination and analysis of regional drug trafficking patterns and trends.

The 1998 request consists of four budget activities incorporating the resources of 7 member agencies. Resource requests for 1998 for these activities are summarized below.

Law Enforcement

This activity provides resources for the investigations conducted by OCDETF members. The total resources requested in 1998 are 1,920 reimbursable positions (1,418 agents), 1,907 reimbursable workyears and \$200,041,000. The focus of OCDETF investigations is on the organized criminal enterprise leadership involved in drug trafficking and the breakup of the infrastructure of organized criminal enterprises. This includes the seizure and forfeiture of assets of organized criminal enterprises involved in narcotics trafficking. This activity provides resources to reimburse law enforcement agencies in the Department of Justice for investigative activities related to OCDETF.

Drug Intelligence

The drug intelligence request for the OCDETF program in 1998 totals 176 reimbursable positions (64 agents and 71 intelligence analysts), 176 reimbursable workyears, and \$13,971,000. This activity includes resources to maintain Regional Drug Intelligence Squads (RDIS) in eight cities. The squads will gather and disseminate raw data for strategic, operational and tracking intelligence purposes and provide regional intelligence linkage to the National Drug Intelligence Center (NDIC) and member agency headquarters.

Prosecution

The prosecution activity request for the OCDETF program in 1998 totals 907 reimbursable positions (499 attorneys), 865 reimbursable workyears, and \$79,447,000. This funding is utilized for the U.S. Attorneys, the Criminal Division and the Tax Division for their investigative support and prosecutorial efforts toward OCDETF cases. Litigation efforts are targeted selectively on the criminal leadership involved in drug trafficking and are intended to dissolve organized illicit enterprises. This includes activities designed to secure the seizure and forfeiture of the assets of these enterprises.

Administrative Support

The administrative support activity request for the OCDETF program in 1998 totals 12 reimbursable positions and workyears, and \$1,508,000. This activity provides policy guidance, central coordination, and administrative support to the headquarters and regional participants of all member agencies.

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Justification of Proposed Changes in Appropriation Languages

The 1998 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.]

Interagency Crime and Drug Enforcement

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, (8359,430,000) and of which \$50,000,000 shall remain available until expended. Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in the succeeding fiscal year, subject to the reprogramming procedures described in Section 806 of this Act.

(Department of Justice Appropriations Act, 1997.)

\$284,967,000

Examination of changes
 No substantive changes proposed.

**Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Crosswalk of 1997 Changes
(Dollars in thousands)**

Activity/Program	1997 President's Budget Request		Reprogrammings		Congressional Action		1997 Appropriation Enacted	
	Pos.	Ykt Amount	Pos.	Ykt Amount	Pos.	Ykt Amount	Pos.	Ykt Amount
1. Law Enforcement								
Drug Enforcement Administration.....	975	862	\$94,719	...	...	-2,847	975	862
Federal Bureau of Investigation.....	830	830	95,093	...	...	-3,578	830	830
Immigration and Naturalization Service.....	102	102	10,401	...	...	-371	102	102
U.S. Marshals Service.....	13	13	1,398	...	...	-72	13	13
U.S. Customs Service.....	284	284	27,813	...	-9	-898	275	275
Bureau of Alcohol, Tobacco and Firearms.....	103	96	10,119	...	...	-307	103	96
Internal Revenue Service.....	372	361	36,582	...	...	-1,308	372	361
U.S. Coast Guard.....	...	...	625	...	...	...	...	625
Subtotal.....	2,679	2,648	276,550	...	-9	-9,439	2,670	2,639
2. Drug Intelligence								
Drug Enforcement Administration.....	25	25	2,224	...	...	-136	25	25
Federal Bureau of Investigation.....	151	151	11,530	...	...	...	151	151
Subtotal.....	176	176	13,754	...	...	-136	176	176
3. Prosecution								
U.S. Attorneys.....	887	847	78,197	...	...	-2,910	887	847
Criminal Division.....	6	6	742	...	...	-24	6	6
Tax Division.....	14	12	1,287	...	...	-40	14	12
Subtotal.....	907	865	80,206	...	...	-2,974	907	865
4. Administrative Support								
Executive Office.....	12	12	1,507	...	...	-38	12	12
TOTAL.....	3,774	3,701	372,017	...	-9	-12,587	3,765	3,692
								359,430

**Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Summary of Reallocations
(Dollars in thousands)**

Adjustments to base.	1987 As Enacted		1987 Appropriation		1988 Base		1988 Estimate		Increase/Decrease		Perm.*		Work-*		Amount	
	Pos.	YTY	Pos.	YTY	Pos.	YTY	Pos.	YTY	Pos.	YTY	Pos.	YTY	Pos.	YTY	Pos.	YTY
Transfers to and from other accounts:																
Transfer to Department of Transportation, Coast Guard, Operating Expenses.....																
Transfer to Department of the Treasury, Interagency Law Enforcement, Interagency Crime and Drug Enforcement.....																
Increase.....																
1988 Base.....											3,765		3,002		359,430	
1988 Estimate.....											3,015		2,990		284,987	
											3,015		2,990		284,987	
Estimates by budget activity																
1. Law Enforcement.....	2,870	2,839	2,839	2,877,111	1,920	1,907	1,907	1,907	1,920	1,907						
2. Drug Intelligence.....	178	178	178	13,818	178	178	178	178	178	178						
3. Prosecution.....	907	895	895	77,232	907	895	895	895	907	895						
4. Administrative Support.....	12	12	12	1,499	12	12	12	12	12	12						
Total.....	3,765	3,692	3,692	359,430	3,015	2,990	2,990	2,990	3,015	2,990						

*The positions and workyears reflected throughout the exhibits are reimbursable for the participating agencies.

**Interagency Law Enforcement
Interagency Criminal and Drug Enforcement
Summary of Resources by Program**
(Dollars in thousands)

Estimate by Program	1988 as Enacted			1988 Actual			1987 Appropriation Enacted			1988 Base			1988 Estimate			Increase/Decrease		
	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount	Perm. Pos.	WT	Amount
Law Enforcement:																		
Drug Enforcement Administration	975	942	\$81,872	975	942	\$81,872	975	942	\$81,872	975	942	\$84,427	975	942	\$84,427	...	...	...
Federal Bureau of Investigation	830	830	\$2,226	830	830	\$2,226	830	830	\$1,517	830	830	\$3,848	830	830	\$3,848	...	...	...
Immigration and Naturalization Service	102	102	10,000	102	102	10,000	102	102	10,000	102	102	10,200	102	102	10,200	...	...	...
United States Customs Service	318	318	28,215	318	318	28,215	318	318	28,215	318	318	28,215	318	318	28,215	...	...	...
United States Coast Guard	103	98	9,752	103	98	9,752	103	98	9,752	103	98	9,752	103	98	9,752	...	...	...
Bureau of Alcohol, Tobacco & Firearms	372	361	36,274	372	361	36,274	372	361	36,274	372	361	36,274	372	361	36,274	...	...	...
Internal Revenue Service	2,713	2,642	287,220	2,678	2,648	287,820	2,678	2,639	287,111	2,678	2,639	287,820	2,678	2,639	287,820	...	...	...
United States Coast Guard	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Drug Intelligence:																		
Drug Enforcement Administration	25	25	2,048	25	25	2,156	25	25	2,048	25	25	2,156	25	25	2,156	...	...	...
Federal Bureau of Investigation	151	151	10,619	151	151	11,187	151	151	11,530	151	151	11,815	151	151	11,815	...	...	...
Subtotal	176	176	12,667	176	176	13,322	176	176	13,578	176	176	13,971	176	176	13,971	...	...	...
Prosecution:																		
United States Attorneys	847	847	75,287	847	847	75,287	847	847	75,287	847	847	75,287	847	847	75,287	...	...	...
Criminal Division	6	6	718	6	6	718	6	6	718	6	6	718	6	6	718	...	...	...
Tax Division	14	12	1,227	14	12	1,227	14	12	1,227	14	12	1,227	14	12	1,227	...	...	...
Subtotal	867	865	77,232	867	865	77,232	867	865	77,232	867	865	77,232	867	865	77,232	...	...	...
Administrative Support:																		
Executive Office	12	12	1,498	12	12	1,498	12	12	1,498	12	12	1,498	12	12	1,498	...	...	...
Total	3,808	3,735	359,428	3,774	3,701	359,843	3,785	3,692	358,430	3,815	3,690	359,847	3,815	3,690	359,847	...	...	...
Reimbursable WT	3,725	3,725	...	3,701	3,701	...	3,692	3,692	...	3,690	3,690	...	3,690	3,690	...	...	...	...
Total Workyears	3,735	3,735	...	3,701	3,701	...	3,692	3,692	...	3,690	3,690	...	3,690	3,690	...	...	...	...
Overline:																		
LEAP	551	551	...	551	551	...	551	551	...	551	551	...	551	551	...	...	...	...
Overline	28	28	...	28	28	...	28	28	...	28	28	...	28	28	...	...	...	...
Overline	3	3	...	3	3	...	3	3	...	3	3	...	3	3	...	...	...	...
Total compensable workyears	6,340	6,340	...	6,318	6,318	...	6,307	6,307	...	6,305	6,305	...	6,305	6,305	...	...	...	...

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Program Performance Information
General Performance and Results Act Requirements

Mission:

The mission of the Organized Crime Drug Enforcement Task Force (OCDETF) program is:

- To target major drug trafficking and related crime organizations;
- To mobilize the optimum combination of Federal, State, and local law enforcement for conducting complex long-term investigations of the activities of those organizations; and
- To successfully prosecute violators of the criminal drug and related crime statutes.

Organizational Goals and Objectives:

The goal of the OCDETF program is to dismantle or disrupt major drug trafficking and related crime organizations by taking it out of existence or by causing significant interference in the conduct of its business.

The objectives of the OCDETF program are:

1. Target, investigate and prosecute individuals who organize, direct, finance, or otherwise engage in high-level illegal drug trafficking and related crime organizations;
2. Promote a coordinated drug enforcement effort within each region and between regions, and encourage the maximum cooperation and coordination among the United States Attorney Offices and all Federal drug and drug-related law enforcement agencies;
3. Work fully and effectively with State and local law enforcement and prosecution agencies; and
4. Make full use of financial investigative techniques, including money laundering and tax enforcement and forfeiture actions against assets obtained as a result of illegal drug trafficking or related criminal activity.

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Program Performance Information
(Dollars in thousands)

ACTIVITY: LAW ENFORCEMENT

	Perm. Pos.	FTE	Amount
1997 Appropriation Enacted	2,670	2,639	\$267,111
1998 Base	1,920	1,907	200,041
1998 Estimate	1,920	1,907	200,041
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: The Law Enforcement activity has a base of 1,920 positions, 1,907 FTE, and \$200,041,000. These resource levels reflect the transfer in 1998 of resources for all participating agencies in the Departments of Transportation and the Treasury to other appropriation accounts. The transfers result in a base adjustment of -750 positions, -732 workyears, and -\$74,442,000.

OCDETF investigations focus on the leadership of major organized criminal enterprises involved in drug trafficking and the breakup of the enterprises' infrastructures, including the seizure and forfeiture of assets of organized criminal enterprises involved in narcotics trafficking. This activity provides resources to reimburse law enforcement agencies in the Department of Justice for OCDETF investigative and prosecutive activities.

The coordination of investigative and prosecutorial activities and the sharing of information are at the heart of the OCDETF approach. OCDETF principles reflect a recognition of the drug trafficking problem as one demanding a national and international approach and a realization that localized programs alone will not suffice because most drug trafficking cases represent only one piece of a much larger puzzle. In an environment in which large-scale drug trafficking networks can involve multi-national suppliers, sophisticated money launderers, and multiple domestic distribution organizations, an approach based on coordinated activity and shared information is imperative.

Major drug trafficking organizations routinely violate many different statutes in multiple jurisdictions. The expertise of agencies with a variety of skills and missions, operating effectively across jurisdictional boundaries, is essential to the OCDETF approach.

Participating investigative agencies from the Department of Justice include the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the Immigration and Naturalization Service (INS), and the U.S. Marshals Service (USMS).

- DEA's narcotics investigative experience, knowledge of drug distribution organizations, and close working relations with State and local authorities are essential to OCDETF.

- The FBI brings to OCDETF the ability to gather and analyze intelligence data, to deploy and manage sophisticated electronic surveillance and undercover operations, and skills in targeting organized criminal enterprises.
- INS Investigation Division personnel identify, investigate and assist in the prosecution of members of drug trafficking and related enterprises who are foreign nationals or aliens illegally in the United States, thereby effecting the dismantling of those organizations.
- USMS provides an OCDETF coordinator in each region to ensure that adequate resources and support are available for preventing jury tampering and disruption in the courtroom; managing asset seizures and forfeitures; and apprehending OCDETF fugitives.

Although funding to support the participation of investigative agencies in the Department of Transportation and the Treasury is proposed for transfer to other appropriation accounts in 1998, the continued effective use of the expertise of these components is an indispensable tool in the OCDETF program.

The Department of Transportation participates in the OCDETF program through the U.S. Coast Guard. In coastal regions, Coast Guard coordinators provide valuable intelligence and guidance on cases with maritime connections and they serve as liaison with the military services.

Participating Department of the Treasury agencies include the Bureau of Alcohol, Tobacco and Firearms (BATF); the Internal Revenue Service (IRS); and the U.S. Customs Service (USCS).

- BATF's special role in enforcing Federal firearms, explosives, and arson laws gives the program access to special expertise in dealing with drug traffickers who are well-armed and increasingly prone to violence.
- IRS actively participates in OCDETF cases through its investigation of tax-related violations of the Internal Revenue Code. IRS's Criminal Investigation Division also investigates money laundering operations, enforces major provisions of the Bank Secrecy Act, and assists in asset seizure and forfeiture actions.
- USCS is a major interdictive agency for drug shipments entering through all ports of entry into the United States. Along with IRS, USCS is also effective in conducting financial investigations. Through the analysis of computer data collected under the Bank Secrecy Act, USCS has the capacity to track the international movement of cash, persons, and commodities.

ACTIVITY: DRUG INTELLIGENCE

	Perm. Pos.	FTE	Amount
1997 Appropriation Enacted	176	176	\$13,618
1998 Base	176	176	13,971
1998 Estimate	176	176	13,971
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: The Drug Intelligence activity has a base of 176 positions, 176 FTE, and \$13,971,000.

The Regional Drug Intelligence Squads (RDIS) were first funded through the OCDEF appropriation in 1993. The mission of the RDIS is to gather, analyze, and disseminate raw and processed data for strategic, tactical and operational intelligence support of drug trafficking investigations. These squads provide the regional intelligence linkage to the National Drug Intelligence Center (NDIC) and to respective agency headquarters.

Participants in the RDIS program include State and local law enforcement agencies, the FBI, DEA, USCS, IRS, INS, BATF, the USMS, the Department of Defense, and the National Guard Bureau. Resources support existing squads in Los Angeles, New York City, Washington, D.C., Houston, Miami, Phoenix, Chicago, and Atlanta.

The Department of Justice's Office of Investigative Agency Policies (OIAP) is in the process of refining the mission, goals, objectives, and implementation plans for RDIS and the NDIC within the context of the total intelligence program.

ACTIVITY: PROSECUTION

	Perm. Pos.	FTE	Amount
1997 Appropriation Enacted	907	865	\$77,232
1998 Base	907	865	79,447
1998 Estimate	...	...	79,447
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: The Prosecution activity has a base of 907 positions, 865 FTE, and \$79,447,000.

This funding is used to reimburse the Department of Justice U.S. Attorneys, Criminal Division, and Tax Division for their investigative support and prosecutorial efforts on OCDEF cases. Litigation efforts are targeted selectively on the criminal leadership involved in drug trafficking and are intended to dissolve organized illicit enterprises. This includes activities designed to secure the seizure and forfeiture of the assets of these enterprises.

The fundamental purposes of the prosecution effort are: (1) to maximize the effectiveness of limited Federal resources by focusing prosecution on targets whose removal would result in the greatest and most lasting effect against the nation's drug abuse problem; and (2) to enhance prosecutive effectiveness by building upon previous experience.

The prosecution activity employs several methods particularly well-suited for use against priority targets. Among them are use of Continuing Criminal Enterprise (CCE) and Racketeering Influenced Criminal Organization (RICO) statutes; increased concentration of financial investigations; expanded use of electronic surveillance and undercover operations; and vigorous enforcement of asset forfeiture statutes. Utilization of these investigative/prosecutive tools, supplemented by the enhanced sentencing guidelines, has been instrumental to the success of the OCDETF effort.

(The United States Attorneys)

One of the principles of the OCDETF program is early attorney involvement in the development of case strategy. OCDETF prosecutors are available to provide the necessary legal services and counsel that investigators require. They are not expected to rush cases to completion, but rather to move deliberately toward successful and comprehensive conclusions. Cases handled by OCDETF attorneys are typically more complex and long-term than those of their non-OCDETF counterparts. The thrust of OCDETF prosecution is to encourage the maximum level of cooperation at the district, regional, national, and international level by having the U.S. Attorneys coordinate the activities of the agencies participating in the program.

The OCDETF program implements a major Administration initiative to combat organized crime and drug trafficking requiring continuing and intensive participation by AUSAs in the development of investigative and litigative strategy to ensure that the evidence growing out of investigations will be complete, conclusive, proper and admissible.

(Criminal Division)

The OCDETF initiative against organized drug traffickers has increased the demands on the Criminal Division to provide certain types of prosecutorial assistance and to participate directly in the development of particular cases.

Many OCDETF investigations depend upon electronic surveillance to obtain evidence on the activities of wrongdoers. Pursuant to 28 U.S.C. 2518, all electronic surveillance must be authorized by the Attorney General or a designated Assistant Attorney General. Before authorization, all Title III applications are reviewed by the Criminal Division Office of Enforcement Operations (OEO), and a recommendation is made to the Assistant Attorney General. Following authorization of a wiretap or wireless interception of communications, reports must be collected and reviewed on the fruits of the surveillance.

In addition to employing electronic surveillance techniques, many OCDETF prosecutions rely on witnesses whose personal safety is endangered by criminal elements. The Criminal Division reviews all prosecutors' requests to ensure that the witness meets the qualification requirements of the program and then makes a determination as to the level of protection to be afforded to the witness.

In addition, Criminal Division litigators often lead or assist in the prosecution of OCDETF cases when requested by a U.S. Attorney's office or an investigative agency.

(Tax Division)

The Tax Division provides nationwide review and coordination of all tax changes in OCDETF cases. Experienced Tax Division attorneys, each assigned as a liaison official to one of the OCDETF regions, work closely with coordinators and with the AUSAs and IRS Special Agents. These Tax Division attorneys provide advice, guidance, and expertise in developing and handling OCDETF investigations involving tax crimes.

In addition to assisting in individual case development, Tax Division liaison attorneys train new AUSAs and OCDETF investigators in tax matters. They attend regional conferences to participate in panel discussions on narcotics/tax prosecutions. The liaison attorneys communicate frequently with regional IRS coordinators to keep abreast of new developments which might be of particular importance not only to the Tax Division but to other drug enforcement components. The Tax Division has also maintained a clearinghouse of legal and investigative materials and information, and coordinates the dissemination of this information to regional personnel.

ACTIVITY: ADMINISTRATIVE SUPPORT

	Perm. Pos.	FTE	Amount
1997 Appropriation Enacted	12	12	\$1,469
1998 Base	12	12	1,508
1998 Estimate	12	12	1,508
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION: The Administrative Support activity has a base of 12 positions, 12 FTE, and \$1,508,000.

The OCDETF Executive Office provides policy guidance, central coordination, and administrative support to member agencies at headquarters, regional and district levels. The Executive Office has day-to-day responsibility for providing administrative support to the regions and is responsible for financial management oversight, records management, administering the State and local overtime program, and maintaining the Management Information System.

The Executive Office responds to information requests from the Attorney General, Deputy Attorney General, Assistant Attorney General of the Criminal Division, member agencies, and the United States Attorneys. The Executive Office conducts site visits to discuss OCDETF program issues and activities and to solicit feedback on issues and concerns of regional committees, attorneys, and investigative agents.

The OCDETF Management Information System provides the data necessary to evaluate OCDETF program performance which is used in reports to the Attorney General, the President, Congress, and the public. The Case Monitoring System consists of three standard reports: Investigation Initiation; Indictment/Information; and Disposition/Sentencing. Other monitoring reports include Investigations/Prosecution Status Reports and various activity reports.

Performance Measurement Information

Since 1982, the Organized Crime Drug Enforcement Task Force (OCDEF) program has demonstrated its proficiency and diversity as an integral element of Federal law enforcement efforts, not only against drug traffickers, but also against violent offenders, gangs, money laundering organizations, and corrupted public officials. During 1998, OCDEF continued to achieve significant successes against these offenders.

In 1998, the OCDEF program initiated 588 investigations resulting in 1,495 cases filed, and charges lodged against 4,668 defendants. During 1998, 3,945 defendants were convicted and 3,492 were sentenced to prison as a result of OCDEF case prosecutions. The conviction rate was 83.9 percent and 88.5 percent of the guilty defendants were sentenced to prison.

Selected Cases Samples:

Operation White Dove: This operation led to the October 16, 1998, conviction of Juan Garcia Abrego on all counts contained in a sweeping indictment charging that Garcia Abrego operated a Continuing Criminal Enterprise (CCE) of drug trafficking, money laundering, and bribery of a public official. Garcia Abrego now stands convicted of importing tonnage quantities of cocaine and marijuana into the United States over the ten year period from 1985-1995, and subject to life imprisonment. The jury also found that \$350 million of his assets are subject to forfeiture. Since 1988, this OCDEF investigation has resulted in the seizure of more than 13,000 kilograms of cocaine and more than \$67 million in drug proceeds, all of which were attributed to the Abrego drug organization. Garcia Abrego's alliance with Colombia's Cali cartel and his close ties with corrupt officials enabled him to forge a powerful criminal organization operating on both sides of the U.S./Mexican border. This case was investigated by the FBI, the IRS Criminal Investigation Division, DEA, the U.S. Customs Service, the Texas Department of Public Safety, and prosecuted by the United States Attorney's Office for the Southern District of Texas, with the cooperation of the Mexican Attorney General's Office. This 8-year effort brought down the leader of an organization that distributed drugs to most of the major urban areas throughout the United States and protected its enterprise through corruption and violence.

Operation Crackshot: This Midwest OCDEF operation resulted in the conviction and/or cooperation of over 70 individuals connected with gangs trafficking crack cocaine and victimizing the public housing projects of Peoria, Illinois. The combined investigative expertise and resources of the FBI, IRS, U.S. Marshals Service, Illinois State Police, Peoria County Sheriff, and City of Peoria Police, was focused on two large Chicago-based drug trafficking organizations, the "Gangster Disciples" and the "Vice Lords." Crackshot was coordinated with similar OCDEF cases in Chicago and elsewhere. Violent crime in the Peoria housing projects was down approximately 70 percent this past winter.

Operation Comenciones: In South Florida, following a 2-year OCDEF/MDTA investigation by the U.S. Attorney's Office, U.S. Customs Service and the DEA, 58 individuals were charged with RICO (18 U.S.C. §§1961-68), and federal narcotics and money laundering offenses. The indictment charged the leadership of the Cali Cartel, Miguel Rodriguez-Orejuela, his brother Gilberto Rodriguez-Orejuela, Helmer Herrera-Buitrago and Jose Santacruz-Londono, and their lieutenants, advisers and underlings, with importing and distributing more than 20 tons of cocaine; obstructing justice; murder of a cooperating witness; and the laundering of narcotics trafficking proceeds. The indictment charges several attorneys with arranging for representation and substance payments for arrested cartel workers in exchange for their agreeing not to cooperate and to falsely exonerate the cartel leadership; relaying threats from the leadership to the arrested workers; falsifying documentary evidence for use in a civil forfeiture trial, among other criminal acts. This investigation has severely impaired the operations of the cartel and has removed many of its critical players in the United States.

Zorro II: On May 2, 1996, Federal, State and local agents concluded the second phase of an OCDETF law enforcement operation code-named "Zorro." This operation targeted a Mexican-run cocaine smuggling and distribution network in the United States and the Colombian cartel with which it worked. This Operation is a significant narcotics operation because it simultaneously dismantled the organization that owned the cocaine and a second organization that ran the transportation system. It represented the first coordinated multi-district enforcement action taken as part of the Southwest Border Initiative.

Approximately 130 individuals were charged with offenses relating to the importation and distribution of cocaine. Twenty-nine persons were charged in documents made public in Chicago and Midland, Texas. Fifteen of the individuals were arrested in Los Angeles, Chicago, El Paso, Houston and Midland. More than 90 court-authorized wiretaps were used in the investigation. To date 5,598 kilograms of cocaine powder, approximately three quarters of a kilogram (730 grams) of crack cocaine and 1,018 pounds of marijuana were seized in connection with the operation.

Over 40 State and local police agencies, the DEA and the FBI and seven other Federal agencies across the country combined resources and expertise in this cooperative effort. Prosecutors in the field also worked with these Federal, State and local investigators. The coordination and support provided by the Criminal Division's Narcotics and Dangerous Drug Section and the Office of Enforcement Operation was also critical to the enforcement actions taken in this operation.

Performance Measurement Exhibits

A transfer of non-Department of Justice member agency resources is proposed in 1998. Because the performance information presents in the following exhibits represents an aggregation of workload from all participating agencies, the resources for the agencies impacted by this transfer will be reflected throughout the performance measurement tables.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

GENERAL GOAL: 1. Target, investigate, and prosecute individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking and related drug crime organizations.									
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Input	1. Agent FTE (Excludes RDIS agents).	2,203	2,140	2,000	2,000	1,991	1,991		
	2. AUSA FTE (Excludes Criminal and Tax Division Attorneys).	501	489	463	440	463	463		
	3. RDISs FTE (Agent and Support).	179	176	176	176	176	176		
	4. Drug Law Enforcement Decision Unit funding (dollars in millions).	\$287.2	\$277.5	\$267.8	\$267.8	\$267.1	\$274.5		
	5. Intelligence Decision Unit Funding (Regional Drug Intelligence Squads (RDIS)) (Dollars in millions).	\$13.9	\$18.6	\$12.9	\$13.3	\$13.6	\$14.0		
	6. Prosecution Decision Unit Funding (Dollars in millions).	\$79.7	\$77.3	\$77.2	\$77.2	\$77.2	\$79.4		
Output/Activity	7. Number of Investigations Initiated 1/	726	637	586	586	586	586		
	8. Electronic Surveillance Applications Processed.	1,061	1,064	1,300	1,367	1,500	1,800		
	9. Cases Filed 2/	1,578	1,748	1,495	1,495	1,495	1,495		
	10. Defendants Filed 2/	4,827	5,342	4,668	4,668	4,668	4,668		
Intermediate Outcome	11. Cases Terminated 2/	1,653	1,536	1,461	1,461	1,461	1,461		
	12. Defendants Terminated 2/	5,164	4,635	4,704	4,704	4,704	4,704		

GENERAL GOAL: 1. Target, investigate, and prosecute individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking and related drug crime organizations.						
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target
End Outcome	13. Defendants - Guilty, Acquitted, Dismissed, Other Terminations: 2/					
	Total Defendants Guilty	4,319	3,814	3,945	3,945	3,945
	Percentage of Defendants Pleaded/Found Guilty	84.2 %	86.7 %	86.4 %	86.4 %	86.4 %
	Conviction Rate	83.6 %	82.3 %	83.9 %	83.9 %	83.9 %
	14. Sentencing: 2/					
	Number of Guilty Defendants Sentenced to Prison	3,791	3,361	3,492	3,492	3,492
	Percentage of Guilty Defendants Sentenced to Prison	87.8 %	88.1 %	88.5 %	88.5 %	88.5 %
	15. Prison Terms Imposed on Defendants: 2/					
	- 1 to 12 months	255	230	198	198	198
	- 13 to 24 months	396	309	344	344	344
	- 25 to 36 months	327	326	296	296	296
	- 37 to 60 months	820	743	825	825	825
	- 61 + months	1,907	1,699	1,744	1,744	1,744
	- Life Sentences	86	54	85	85	85

GENERAL GOAL: 1. Target, investigate, and prosecute individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking and related drug crime organizations.									
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS						
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Productivity/ Efficiency 2/	16. Average # of Defendants/Cases Filed	3.06	3.06	3.12	3.12	3.12	3.12	3.12	
	17. Average # of Defendants/Cases Pending	2.87	2.85	2.83	2.83	2.83	2.83	2.83	
	18. Average # of Defendants/Cases Terminated	3.12	3.02	3.22	3.22	3.22	3.22	3.22	
	19. Average # of Defendants/Cases Tried	3.11	3.11	3.36	3.36	3.36	3.36	3.36	
	20. Cases Handled per Attorney Workyear	10.1	11.1	11.2	11.2	11.2	11.2	11.2	
	21. Cases Terminated per Attorney Workyear	3.6	3.5	3.3	3.3	3.3	3.3	3.3	
	22. Defendants Handled (Cases) per Attorney Workyear	29.7	32.4	32.9	32.9	32.9	32.9	32.9	
	23. Defendants Terminated (Cases) per Attorney Workyear	11.3	10.6	10.7	10.7	10.7	10.7	10.7	

1/ Data extracted from OCDETF Case Management System. FY 1996 data is based on information received through January 14, 1997. Approved OCDETF investigations are defined in the OCDETF Guidelines and in the OCDETF Management Information System Manual as "umbrella" activities which include multiple agency cases, agency investigative matters, United States Attorney matters and indictments as defined by the agencies and the United States Attorneys' offices. Agencies and the United States Attorneys' offices maintain activity tracking systems at a level of greater detail than the OCDETF system. For reporting purposes, OCDETF uses the terminology "investigation initiated" to mean the process of identifying, documenting, reviewing, approving and reporting investigations that meet OCDETF criteria.

2/ Represents data extracted from the Executive Office for United States Attorneys (EOUSA) Case Management System. FY 1996 data represents information received through end of September, 1996. FY 1997 and FY 1998 targets are estimated based on FY 1996 straightline projections.

A. Definitions of Terms or Explanation for Indicators:

The general goal of the OCDETF program is to dismantle or disrupt targeted drug trafficking and related crime organizations, by taking them out of existence (or by breaking them up to the extent that reconstruction of the same criminal organization is impossible) or by causing significant interference in the conduct of business by the targeted criminal organizations.

Violent Crime Activity

Violent drug trafficking organizations have become aggressively active across broad sections of the country. Structured organizations are currently operational across OCDETF regional lines and trends indicate that this expansion will continue. It has become necessary to expand and enhance current enforcement structures in order to thwart this expansion and reduce the harm they cause.

With the escalation of drug-related violence, OCDETF has focused on criminal organizations which use or threaten to use harmful means to conduct their criminal drug related activities. There are violent drug trafficking organizations which are very properly OCDETF targets. In the May 1994 OCDETF Violence Survey, the United States Attorneys' Offices reported that 20% of all OCDETF investigations involved organizations which demonstrated actual violence during the course of the criminal activity for which OCDETF was investigating them. It was also found that an additional 32% of the OCDETF investigations demonstrated potential violence.

Organized gangs involved in violent crime as well as drug trafficking are a high priority for OCDETF. Three conditions must be present if a violent crime initiative is to fit into the OCDETF pattern: 1) there must exist a nexus between the narcotics trafficking and the violence; 2) the violence must be organizational or gang-related such as Crips and Bloods rather than some individual crime spree; and 3) it must be determined that the OCDETF approach represents the most effective method to deal with the organizational problem that has been identified.

B. Factors Affecting FY 96 Program Performance.

EXTERNAL FACTORS:

OCDETF Caseload Decline

FY 1993 represented the OCDETF program's high-water mark in terms of resources. From that point to FY 1996, the work-year level has declined by 13 percent and funding by nearly 7 percent. While the erosion of base resources can be tied directly to the workload decline, there are also other reasons.

The number of OCDETF case initiations have been decreasing over the past several years. There were 857 cases initiated in 1993, 726 in 1994, and 637 in 1995. As of January 14, 1997, 387 case initiations have been reported for 1996. This is not a reflection that there is less being done in the program, but rather a reaffirmation that OCDETF cases focus on disrupting or dismantling major drug trafficking organizations. By their very nature, OCDETF cases are intensive,

long-term efforts characterized by careful coordination between prosecutors and investigators. In the last few years, the OCDETF program has concentrated its efforts and resources on a fewer number of the most complex and high-level drug organizations, rather than cases against single defendants.

More frequently, we are seeing a greater number of multi-district OCDETF cases, linking the investigation of an organization's cells that span across the entire United States. In order to achieve the goal of dismantling major drug trafficking organizations, OCDETF cases typically continue for several years rather than several months. The increasing complexity of cases requires a greater emphasis on financial analyses, such as money laundering and tax crimes, and the use of Title III investigations than in the past. It is through these means, that the financial and command centers of major drug operations may be destroyed, and the strongest case possible made against their leaders.

The most effective way to accomplish this objective is to coordinate the investigation and prosecution of all levels of a targeted organization -- from the top level managers to the street dealers. Thus the goal is not to tally up numbers regardless of impact upon the organization, but rather to structure investigations and prosecutions to disrupt and destroy the organization.

Better intelligence, additional and more complex investigations, and increasing numbers of trials and appeals have placed growing demands on the OCDETF program overall. OCDETF-related investigations are much more labor intensive in nature than routine investigations. The complexity/intensity and quality of investigations has exploded at a time when resources are also on the decline.

Internal Streamlining Activities

Consistent with the government-wide mandate for streamlining, the OCDETF program continues to work diligently to identify areas for policy, procedural, operational and administrative improvement, to reduce administrative burdens and costs borne by both headquarters and field components.

OCDETF Regional Restructuring

On August 2, 1996, the Attorney General approved a proposal to reduce the number of OCDETF regions from thirteen to nine. On December 3, 1996 the Department received final notification that Congress had concurred with the regional reorganization plan. The original scheme of thirteen regions, devised in 1983, is no longer the most meaningful configuration. The revised regional structure is intended to respond more effectively to current and emerging drug trafficking patterns, to cluster districts with common issues and drug trafficking threats, and to enhance communication and coordination within and among districts. The new plan also complements the current and proposed locations of HIDTAs.

The structure of the nine regions was developed with information provided by the United States Attorneys and all participating law enforcement agencies. Through this process, Federal judicial districts were grouped into regions that had similar drug problems based on common demographics. The new regional structure will better enable OCDETF to support drug enforcement initiatives that impact OCDETF investigations, such as the Southwest Border Initiative and the Methamphetamine Strategy. For example, the discussion of prosecutors and investigators produced a proposal to create a single region composed of several Midwestern states that share concerns facing rural areas and currently, an escalating methamphetamine problem. The creation of the West Central region will facilitate and enhance the communication and coordination that law enforcement is striving to maintain to meet the methamphetamine threat.

Similarly, the formation of the Southwest Region is intended to foster and assist in the cooperative efforts of the Southwest Border U.S. Attorneys, in meeting the threat common to that region. Many of the significant drug cases being brought under the Southwest Border Initiative, such as Operation Zorro, are OCDETF cases. The new Southwest Region will consolidate the Federal districts along the U.S.-Mexican border, and allow OCDETF to take advantage of, and further contribute to the enhanced coordination and cooperation of law enforcement in that area.

Attorney Benefits Provided to the OCDETF Program

One of the principles of the OCDETF program is early attorney involvement in the development of case strategy. The OCDETF approach provides prosecutors that participate in the formulation of strategy and are available for necessary legal services and counsel that investigators require. OCDETF attorneys are dedicated full-time to complex OCDETF matters and over time develop expertise in the request for and use of sophisticated investigative tools, i.e., electronic surveillance or the mounting of undercover operations, which require extensive and complex paperwork.

The range and nature of the investigative techniques require continuing and intensive participation by AUSAs in the provision of continuing counsel to ensure that the evidence growing out of investigations will be complete, conclusive, proper and admissible. OCDETF attorneys have placed increased emphasis on forfeitures, either in civil actions or under the criminal forfeiture provisions; have used a range of statutes, in addition to drug statutes to dismantle trafficking organizations; and have coordinated prosecutorial activities among various jurisdictions to achieve maximum impact on criminal organizations.

The OCDETF AUSA, working with agents with a diverse range of expertise, assures that specific statutory violations are appropriately documented and charged. This results in a strategy that times the prosecution of cases to provide the maximum disruption of drug trafficking organizations involved. Maintaining an adequate number of AUSAs in the OCDETF program is critical to insuring successful prosecutions. If the attorney-to-agent ratio is altered, performance in terms of number of investigations, number of indictments, number of successful prosecutions, and the number of successful responses to appeals will decrease.

Increased Complexity of Cases

Overall program workload has grown and costs have increased because:

- Criminal cases, especially drug cases, now involve more defendants.
- More defendants apply for and receive court-appointed attorneys.
- More defendants are being tried in Federal courts.
- The cases are more complex, principally because of changes in Federal Sentencing Guidelines and mandatory minimum sentencing statutes, resulting in more work for attorneys on each case.
- Various sources have also cited the growing number of multiple defendant cases as a major contributor to increased program costs.

Multiple defendant cases can be more complex and time consuming than other cases, particularly when they involve sophisticated drug trafficking organizations.

Statistical data for drug prosecutions in FY 1994 revealed the impact of this strategy:

- (1) EOUSA statistics show that the average prison sentence for defendants convicted of drug dealing increased in FY 1994 compared to FY 1993 for both OCDETF (up 2%, from 107 to 109 months) and for non-OCDETF defendants (up 7%, from 75 to 80 months). ~~We are getting better results.~~
- (2) Sentencing Commission data show the Department is prosecuting fewer drug defendants with little or no criminal histories and higher numbers of drug defendants with extensive criminal histories. About 57% of all drug defendants in 1994 were of criminal history category I (the lowest). This is down from 61% of all drug defendants in 1993, and 63% in 1992. In contrast, about 7% of all drug defendants in 1994 were of criminal history category VI (the highest). This is up from 6% in 1993, and 4% in 1992.
- (3) The average length of time between the filing of a drug case and its termination increased by 12% in FY 1994 (from 8.9 months in 1993 to 10 months in 1994). ~~This reflects our focus on more complex cases.~~
- (4) The number of Title III's used in drug cases has increased by 10% in FY 1994 (from 718 to 789), and is up 34% since FY 1992 (from 586 to 789). ~~We are using more sophisticated and resource-intensive investigative techniques to catch the major criminals.~~

C. Factors Affecting Selection of FY 97 and 98 Targets. In addition to those factors addressed under 1996, the following actions may impact the level of performance for 1997 and 1998. It should also be noted that factors identified under 1996-1998 would also affect the expected performance for General Goals 2, 3, and 4.

Recent Department initiatives will increase the program's workload. To be effective and consistent, any Department drug effort that involves major drug organizations must involve OCDETF.

As an example, the Department's new Methamphetamine Strategy will target high-level drug operators. In a June 1996 GAO Report entitled, *Drug Control, Counter-Narcotics Efforts in Mexico*, the evolution of the organizations directing methamphetamine manufacture and sales demonstrates the new targets of law enforcement. "During the past 3 years, Mexican trafficking organizations on both sides of the border have replaced U.S.-based outlaw motorcycle gangs as the predominant methamphetamine manufacturers and traffickers in the United States." Major cartels have increased their influence and power in production of this dangerous drug. As part of the National Methamphetamine Strategy put forth in April 1996, current efforts and items to be implemented include the following:

Select high-level targets who are involved in significant money laundering and other organized criminal activities.

Maintain liaison with federal, state and local law enforcement... to ensure there are no gaps in the law enforcement system...

Form or intensify use of existing task forces composed of federal, state and local law enforcement officials (e.g., the Organized Crime Drug Enforcement Task Force Program (OCDETF) and the Safe Streets Task Force), particularly in rural areas in need of enhanced resources.

DEA has reported that the Strategy will likely result in an increased number of OCDETF cases because the initiative stresses forming or intensifying use of existing task forces. DEA stated that:

The OCDETF program provides funding and expands local law enforcement jurisdiction to investigate methamphetamine investigations outside their jurisdiction. In the past two years, OCDETF investigations have resulted in the arrest of 764 methamphetamine violators. This is an average of 352 per year. In the first 5 months of 1996, OCDETF investigations have resulted in the arrest of 210 methamphetamine violators. At the present rate, it is anticipated that approximately 450 methamphetamine violators under OCDETF investigations will be arrested. With increased emphasis on methamphetamine, the number of OCDETF investigations could double.

Another Department initiative that is likely to increase OCDETF's workload is the Southwest Border Initiative. As stated in the Attorney General's Report to the President entitled *Fighting Crime on the Southwest Border: A Progress Report*, the Southwest Border Initiative is a regional strategy to investigate, prosecute and dismantle the most significant factions of the principal drug trafficking organizations. As an example, the Report chronicles the first major prosecution under the Southwest Border Initiative, Operation Zorro which was an OCDETF case. Due to the nature of this initiative and its target, major drug organizations whose operations are connected from the border to all points in the U.S., additional OCDETF cases are likely.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

GENERAL GOAL: 2. Promote a coordinated drug enforcement effort in each OCEDEF region and between regions, and encourage the maximum cooperation and coordination among all Federal drug and drug related law enforcement agencies and the United States Attorney offices.									
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS						
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Input	1. Member Agency Amount and Shares (%) of the OCEDEF Budget (dollars in millions).	Amal. \$	Amal. \$	Amal. \$	Amal. \$	Amal. \$	Amal. \$		
	DEA.....	\$96.9 25.4	\$93.7 25.0	\$91.9 25.6	\$91.9 25.5	\$91.9 25.6	\$94.4 25.6		
	FBI.....	99.1 25.9	95.5 25.5	92.2 25.6	92.2 25.6	91.5 25.5	93.9 25.4		
	RDIS.....	13.9 3.6	18.6 5.0	12.9 3.6	13.3 3.7	13.6 3.8	14.0 3.8		
	INS.....	10.9 2.9	10.6 2.8	10.0 2.8	10.0 2.8	10.0 2.8	10.3 2.8		
	USMS.....	1.2 0.3	1.3 0.3	1.3 0.4	1.3 0.4	1.3 0.4	1.4 0.4		
	Customs.....	29.2 7.6	28.1 7.5	26.7 7.4	26.7 7.4	26.7 7.4	27.5 7.4		
	BATF.....	10.6 2.8	10.7 2.8	9.8 2.7	9.8 2.7	9.8 2.7	10.0 2.7		
	IRS.....	38.5 10.1	37.1 9.9	35.3 9.8	35.3 9.8	35.3 9.8	36.3 9.8		
	Coast Guard.....	0.7 0.2	0.7 0.2	0.6 0.2	0.6 0.2	0.6 0.2	0.6 0.2		
	USA's.....	77.7 20.3	75.3 20.1	75.3 21.0	75.3 21.0	75.3 20.9	77.5 21.0		
	Crim. Div.....	0.8 0.2	0.8 0.2	0.7 0.2	0.7 0.2	0.7 0.2	0.7 0.2		
	Tax Div.....	1.2 0.3	1.3 0.3	1.2 0.3	1.2 0.3	1.2 0.3	1.3 0.3		
	Exec. Office.....	1.4 0.4	1.5 0.4	1.5 0.4	1.5 0.4	1.5 0.4	1.5 0.4		
	Total.....	382.1 100%	374.9 100%	359.4 100%	359.8 100%	359.4 100%	369.4 100%		
		\$	\$	\$	\$	\$	\$		
	2. Number of Washington Agency Representatives Group Meetings held during the Fiscal Year.	9	9	12	8	12	12		
	3. Number of Regional/District Drug Enforcement Coordination Group Meetings	638	638	638	638	638	638		
Output/Activity	4. District Case Reviews Performed.	81	81	81	81	81	85		

GENERAL GOAL: 2. Promote a coordinated drug enforcement effort in each OCDETF region and between regions, and encourage the maximum cooperation and coordination among all Federal drug and drug related law enforcement agencies and the United States Attorney office.									
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS						
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Intermediate Outcome	5. Agency Participation in Investigations Initiated.*								
	Agency								
	- DEA	590 81.2	510 80.0	470 80.2	470 80.2	470 80.2	470 80.2		
	- FBI	291 40.0	285 44.7	265 45.2	265 45.2	265 45.2	265 45.2		
	- IRS	424 58.4	333 52.2	287 50.0	287 50.0	287 50.0	287 50.0		
	- Customs	247 34.0	227 35.6	207 35.3	207 35.3	207 35.3	207 35.3		
	- BATF	252 34.7	207 32.4	167 28.4	167 28.4	167 28.4	167 28.4		
	- Coast Guard	19 2.6	8 1.2	8 1.3	8 1.3	8 1.3	8 1.3		
	- INS	239 32.9	169 26.5	187 31.9	187 31.9	187 31.9	187 31.9		
	6. Agency Participation in Investigations Resulting in Charges.**								
	Agency								
	- DEA	1,287 65.0	1,196 67.1	674 60.3	674 60.3	674 60.3	674 60.3		
	- FBI	819 41.4	792 44.4	532 47.6	532 47.6	532 47.6	532 47.6		
	- IRS	732 37.0	674 37.8	383 34.3	383 34.3	383 34.3	383 34.3		
	- Customs	421 21.2	380 21.3	216 19.3	216 19.3	216 19.3	216 19.3		
	- BATF	639 32.3	608 34.1	371 33.2	371 33.2	371 33.2	371 33.2		
	- Coast Guard	44 2.2	25 1.4	10 0.8	10 0.8	10 0.8	10 0.8		
	- INS	304 15.3	281 15.7	162 14.5	162 14.5	162 14.5	162 14.5		

GENERAL GOAL: 2. Promote a coordinated drug enforcement effort in each OCDETF region and between regions, and encourage the maximum cooperation and coordination among all Federal drug and drug related law enforcement agencies and the United States Attorney offices.									
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS						
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
End Outcome	7. Number of Member Agencies Dedicating Supplemental Resources from their Direct Appropriations.	7	7	7	7	7	7		
Productivity/ Efficiency	None provided at this time.								

NOTE: 1998 resources being proposed for transfer to the Departments of Transportation and the Treasury have been included in this exhibit for programmatic information purposes.

A. Definitions of Terms or Explanations for Indicators:

Explanation of indicators on charts (Data extracted from OCDETF MIS)

*The number of investigations in which this agency is expected to participate at the time the investigations were initiated. U.S. Marshals Service and U.S. Attorneys were expected to participate in all cases.
The number of investigations initiated by the Task Force. The percentages show the frequency of anticipated involvement for each type of agency. More than one agency is involved in all cases.

**The number of indictments and informations in which this agency participated in either the investigation or prosecution. U.S. Marshals Service and U.S. Attorneys are assumed to be involved in all cases.
The number of indictments and informations returned in OCDETF cases. The percentages show the frequency of participation for each agency. More than one agency is involved in all cases.

Agency Participation in Investigations (Data extracted from OCDETF MIS)

An OCDETF case is, by definition, a multi-agency case. Initial agency resource allocations may shift as an investigation progresses.

The Program's history of agency resource assignments (1983 - January 14, 1997) reflected DEA involvement in 81.3 percent (6,547) of all OCDETF investigations; IRS involvement in 63.0 percent (5,071); FBI in 45.8 percent (3,687); Customs in 25.4 percent (2,046); EATF in 37.1 percent (2,989); and INS, only in the Task Forces since FY 1988, in 23.6 percent (1,900). The U.S. Attorney's and the U.S. Marshall Service are assumed to be involved in all OCDETF case investigations.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

GENERAL GOAL: 3. Work fully and effectively with State and local drug law enforcement and prosecution agencies.									
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Input	1. State and Local Overtime Funding.	\$5.3 million	\$5.1 million	\$5.3 million	\$5.3 million	\$5.3 million	\$5.5 million		
	2. Number of State/Local Agencies Participating.	702	798	800	643	675	675		
	3. Number of State Local Officers Assigned to Investigations.	6,391	5,863	6,000	6,321	6,200	6,200		
Output/Activity	4. Number of State/Local Agreements Processed.	1,526	1,424	1,500	1,279	1,200	1,200		
Intermediate Outcome	5. Participation in Investigations Initiated.								
	- County/Local Investigators *	854 117.6	800 125.5	748 127.6	748 127.6	748 127.6	748 127.6		
	- State Investigators.	305 42.0	292 45.8	201 34.3	201 34.3	201 34.3	201 34.3		
	- County/Local Prosecutors.	98 13.4	65 10.2	33 5.6	33 5.6	33 5.6	33 5.6		
	- State Prosecutors.	33 4.5	34 5.3	37 6.3	37 6.3	37 6.3	37 6.3		

GENERAL GOAL: 3. Work fully and effectively with State and local drug law enforcement and prosecution agencies.											
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS									
Type of Indicator	Performance Indicators	1994 Actual		1995 Actual		1996 Target		1996 Actual		1997 Target	1998 Target
End Outcome	6. Participation in Investigations Resulting in Charges	\$	%	\$	%	\$	%	\$	%	\$	%
	- County/Local Investigators.*	1,817	91.9	1,746	97.9	1,159	103.8	1,159	103.8	1,159	103.8
	- State Investigators.	816	41.2	631	35.4	452	40.5	452	40.5	452	40.5
	- County/Local Prosecutors.	216	10.9	63	3.5	30	2.6	30	2.6	30	2.6
	- State Prosecutors.	60	3.0	68	3.8	45	4.0	45	4.0	45	4.0
Productivity/ Efficiency	None reflected at this time.										

* Represents number of individual cases in which county/local investigators participated in relation to the number of OCDETF investigations initiated.

A. Definitions of Terms or Explanations for Indicators: From the Program's inception, State and local law enforcement elements have worked closely with the Task Force. The OCDETF Guidelines promote joint involvement of State/local authorities in the investigation, apprehension, and prosecution of major drug traffickers and their organizations.

Several elements of the OCDETF program facilitate State/local participation. Annual funding has been available to the OCDETF program to reimburse States and localities for overtime and expenses incurred by their personnel while participating in OCDETF cases. This funding was distributed among the OCDETF regions based on a variety of factors including demonstrated need and caseload. To receive funding, State/local governments must enter into an agreement with an OCDETF Region. Agreement requests are submitted from the district to the OCDETF Coordination Group for approval. Once an agreement is approved, State/local governments then submit Reimbursement Requests for payment after the expenses have been incurred. The OCDETF Executive Office serves as the coordination and policy office, and coordinates and manages the funding on a nationwide basis and processes all State/local Agreements and reimbursement Requests for obligation and payment. Funding of approximately \$5 million has allowed regional Coordination Groups to annually execute 1,500 agreements with State/local governments nationwide involving the participation of more than 6,000 State/local officers. Although these local agencies continue to pay the salaries of their investigators who work on OCDETF cases, they are assisted in meeting the costs of overtime, travel, and per diem expenses resulting from their participation.

State/local participation is further facilitated, when appropriate to a case, by the deputation of State/local law enforcement officials. Upon deputation, State/local officers adhere to the requirements of the Federal Rules of Criminal Procedure as well as the policies and procedures of the sponsoring Federal agency.

The cross-designation of attorneys and the sharing of forfeited assets further enhances the OCDETF Program approach to intergovernmental cooperation. Cross-designation of attorneys makes it possible for designated Federal attorneys to participate in State court prosecutions or for State attorneys to participate in Federal prosecution. Sharing of forfeited assets provides a bonus to participating State/local agencies in the form of vehicles, aircraft, boats, weapons, and cash.

B. Factors Affecting FY 1995 - FY 1998 Program Performance.

Since FY 1995, funding for this program has been derived from the Department of Justice Asset Forfeiture Fund (AFF). This places program funding in competition with other law enforcement priorities for continually scarce resources in the Fund. Absent a stable and permanent source of base funding for this important activity, continued participation by State and local law enforcement agencies cannot be guaranteed.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

GENERAL GOAL: 4. Make full use of financial investigative techniques, including tax law enforcement and forfeiture actions, against assets obtained as a result of illegal drug trafficking or related crime activity.									
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS						
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Input									
	1. IRS Budget Amount and Share (%) of the OCDETF Budget (in millions).	\$38.5 10.1	\$37.1 9.9	\$35.3 9.8	\$35.3 9.8	\$35.3 9.8	\$36.3 9.8		
	2. Tax Division Budget Amount and Share (%) of the OCDETF Budget (in millions).	1.2 0.3	1.3 0.3	1.2 0.3	1.2 0.3	1.2 0.3	1.3 0.3		
	3. Internal Revenue Service FTE.	434 ...	423 ...	361 ...	361 ...	361 ...	361 ...		
	4. Tax Division FTE.	11 ...	12 ...	12 ...	12 ...	12 ...	12 ...		
	5. U.S. Customs Budget Amount and Share (%).	29.2 7.6	28.1 7.5	26.7 7.4	26.7 7.4	26.7 7.4	27.5 7.4		
	6. U.S. Customs FTE.	325 ...	318 ...	284 ...	284 ...	275 ...	275 ...		
	7. Percentage of Customs Budget that is Financial Investigations Related.	40.0	40.0	40.0	40.0	40.0	40.0		
	8. Types of Criminal Activities (Financial Investigation Related Activities) Involved in Investigations Initiated.*								
	Activity								
	- Financial backing	169 23.2	139 21.8	105 17.9	105 17.9	105 17.9	105 17.9		
	- Money laundering	543 74.7	459 72.0	395 67.4	395 67.4	395 67.4	395 67.4		
	- Tax violation	269 37.0	235 36.8	201 34.3	201 34.3	201 34.3	201 34.3		
	9. Tax Division**								
	OCDETF Case Receipts								
	a. Complex Cases Other Than Outgrowth.....	75	65	49	49	49	49		
	b. Outgrowth.....	29	36	23	23	23	23		
	Subtotal.....	104	101	72	72	72	72		
	c. Grand Jury Investigations.....	11	12	14	14	14	14		
	Total Case Receipts.....	115	113	86	86	86	86		

GENERAL GOAL: 4. Make full use of financial investigative techniques, including tax law enforcement and forfeiture actions, against assets obtained as a result of illegal drug trafficking or related crime activity.									
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target		
Output/Activity		\$ \$	\$ \$	\$ \$	\$ \$	\$ \$	\$ \$	\$ \$	\$ \$
	10. IRS Participation in Investigations Initiated.	424	58.4	333	52.2	297	50.6	297	50.6
	11. Types of Criminal Activities Charged in Indictments and Informations Returned (Financial Investigations Related Activities). ***								
	- Financial backing	39	1.9	17	0.9	8	0.7	8	0.7
	- Money laundering	304	15.3	229	12.8	103	9.2	103	9.2
	- Tax violation	55	2.7	50	2.8	27	2.4	27	2.4
	12. Investigative Techniques (Financial Investigations Related Activities) used for Indictments and Informations Returned. ****								
	Techniques								
	- Financial investigation	500	25.2	409	22.8	235	20.7	235	20.7
	- Tax Grand Jury	86	4.3	44	2.4	14	1.2	14	1.2
	- Foreign bank/financial records	33	1.6	30	1.6	9	0.7	9	0.7

GENERAL GOAL: 4. Make full use of financial investigative techniques, including tax law enforcement and forfeiture actions, against assets obtained as a result of illegal drug trafficking or related crime activity.									
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS						
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	Target	1996 Actual	1997 Target	1998 Target		
Intermediate Outcome	13. Financial Investigation's Related Offenses Charged/Defendants Charged;***** Offenses								
	- Title 26: Tax Violations	52 0.7	36 0.6	23 0.6	23 0.6	23 0.6	23 0.6		
	- Title 18: Tax Conspiracy	19 0.2	22 0.4	15 0.4	15 0.4	15 0.4	15 0.4		
	- Title 18: Money Laundering**	640 9.7	487 8.8	255 7.1	255 7.1	255 7.1	255 7.1		
	- Title 31: Currency Violations	59 0.9	30 0.5	15 0.4	15 0.4	15 0.4	15 0.4		
	14. Tax Division: ** OCDETF Case Closings								
	a. Complex Cases Other Than Outgrowth.....	25	12	26	26	26	26		
	b. Outgrowth.....	22	18	7	7	7	7		
	Subtotal.....	47	30	33	33	33	33		
	c. Grand Jury Investigations.....	12	11	12	12	12	12		
	Total Case Closings.....	60	41	45	45	45	45		
End Outcome	15. Amount of Assets Seized (cash and property in millions).*****	\$239.0	\$81.2	\$81.2	\$81.2	...	...
	16. IRS Participation in Investigation Resulting in Charges	732 37.0	674 37.8	383 33.2	383 33.2	383 33.2	383 33.2		
	17. Amount of Assets Forfeited (cash and property in millions).	\$107.9	\$32.2	\$32.2	\$32.2	...	...
Productivity/ Efficiency	None Proposed at this time.								

NOTE: All data extracted from OCDETF MIS.

- **Types of Criminal Activities Involved in Investigations Initiated:**
More than one activity is involved in many investigations.
- **Tax Division Workload:**
Workload statistics were obtained from the Criminal Appeals and Tax Enforcement Policy (CATEP) Section, which maintains the Tax Division's automated case reporting and tracking system for criminal tax matters. 1996 data and out-year estimates are based upon internal data, statistics received from the Criminal Investigation Division of the IRS, and information obtained from the Office of National Drug Control Policy.
- **Types of Criminal Activities Charged:**
The number of indictments and informations in which this activity was charged. The number of indictments and informations returned in OCDETF cases. The percentages show the frequency for each category of illicit activity charged. More than one activity is charged in many cases.
- **Investigative Techniques Used:**
The major financial investigation related investigative techniques used during investigation and prosecution. The number of indictments and informations in which this technique was used. The number of indictments and informations returned in OCDETF cases. The percentages show the frequency with which each financial investigation-related technique was used. More than one technique is involved in many cases.

Clearly, OCDETF makes extensive use of a wide variety of investigative methods, some of which require considerable sophistication and persistence to exploit properly. It is also apparent that it is typical to employ several investigative methods during the course of any particular investigation. All of these methods are currently in use in each of the regions. The charges under Titles 18, 26, and 31 have each brought down hundreds of drug-connected defendants, some of whom have received the highest penalties. In FY 1990 OCDETF began recording indictments under the money laundering provisions of Title 18.
- **Offenses Charged:**
The number of defendants charged in OCDETF cases indictments and informations. The percentages show the frequency with which each financial investigation-related offense is charged. Many defendants were charged with more than one offense. Some defendants were charged in more than one indictment or information.
- **Non-Drug Seizures**
Drug trafficking organizations, like other businesses, can be disrupted by the removal of the financial resources needed to support their operations as well as by the removal of leadership and expertise. Through September 30, 1996, the OCDETF Program had seized a total of over \$3 billion in property and cash.

A. Definitions of Terms or Explanations for Indicators:

Financial Investigations:

The criteria for selection of OCDETF cases are designed to ensure that each case chosen is of a type and magnitude that will derive maximum benefit from utilization of the OCDETF approach. Cases that require the expertise of more than one investigative agency, that involve major drug trafficking figures or organizations, and that involve activity in more than one jurisdiction are prime candidates for consideration as OCDETF cases. The effectiveness of OCDETF case management is materially enhanced by Assistant U.S. Attorney involvement at the early stages of the investigation.

Cases that meet these criteria, while usually targeting drug kingpins, often lead to charges against and conviction of other criminals. These individuals fall into two broad categories: those providing support functions to illegal drug trafficking and those who work directly for the kingpins. Those providing auxiliary support include such specialists as money-launderers, financiers, legal counselors, and drug-producing and drug-designing chemists. Direct employees of the drug trafficking operations may include wholesalers, distributors, and enforcers. Cases may also lead to other organizations connected to the initial target. These may include smuggling, supply, distribution, or production organizations whose assistance was unsuspected at the inception of the case. Often, investigations of these connected organizations or figures provide the information and link needed to develop a successful case against the kingpins who were the initial focus of the investigation. Experience with OCDETF indicates that financial investigations often provide an opportunity for exposing such links. The uncovering of the financial network of organized drug trafficking operations is also an invaluable tool in piecing together details of organizational relationships in the drug trafficking world. The results of such investigations enable OCDETF investigators to trace the cash flow that sustains the entire organizational structure of drug trafficking operations.

During prosecution, evidence gathered in financial investigations is used to give juries a clearer picture of the scope of drug operations. This type of evidence is often more enlightening to a jury than is the simple fact of a quantity of seized drugs. Often, evidence is found in financial investigations that allows for immediate seizure of drug organizations or drug kingpin assets. In addition, financial investigations can provide the basis for bringing currency or tax violation charges against drug organizations and kingpins. These charges are an important adjunct to the drug charges themselves and in some instances, where direct drug charges cannot be sustained, provide the only way of successfully prosecuting drug traffickers.

The IRS actively participates in OCDETF cases through its investigation of tax-related violations of the Internal Revenue Code. The IRS's Criminal Investigation Division also investigates money laundering operations, enforces major provisions of the Bank Secrecy Act, and assists in asset seizure and forfeiture actions. Additionally, the IRS's Examination Division may initiate jeopardy and termination tax assessments in cases where the collection of a tax may be in jeopardy.

Along with the IRS, the U.S. Customs Service has been especially effective in conducting financial investigations. Through the analysis of computer data collected under the Bank Secrecy Act, Customs identifies drug traffickers and money launderers for OCDETF investigations. Customs' capacity to track the international movement of cash, persons, and commodities complements the drug trafficking investigations of other OCDETF agencies.

The Tax Division provides nationwide review and coordination of all tax charges in OCDETF cases. An experienced Tax Division attorney is assigned as a liaison official to each of the OCDETF regions. These attorneys work closely with AUSAs and IRS coordinators and Special Agents in the investigation of tax crimes. They provide the regions with advice, guidance and expertise in developing and handling the tax investigations, and provide litigation support.

**Interagency Law Enforcement
Interagency Crime and Drug Enforcement
1988 Priority Ranking**

Program	Base Program	Ranking
Law Enforcement		1
Prosecution		2
Drug Intelligence		3
Administrative Support		4

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1997			1998	
	1996 Authorized	President's Request	Total Authorized	Transfers	Total Authorized
Attorneys (005).....	499	499	499	...	499
Paralegal Specialists (050).....	45	45	45	...	45
Investigative Assistants (1602).....	1	1	1	...	1
Criminal Investigative Series (1811).....	2,093	2,093	2,094	-802	1,482
Other Miscellaneous Occupations (001-099).....	11	11	11	...	11
Social Science, Economics, and Kindred (100-199).....	85	85	85	...	85
Gen. Admin., Clerical, and Office Services (300-399).....	1,034	1,034	1,034	-148	886
Accounting and Budget (500-599).....	6	6	6	...	6
Total.....	3,774	3,774	3,765	-750	3,015
Washington.....	58	58	58	-8	50
U.S. Field.....	3,716	3,716	3,707	-742	2,965
Foreign Field.....	...	...	...	...	...
Total.....	3,774	3,774	3,765	-750	3,015

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Summary of Agent/Attorney and Support Positions/Workyears
FY 1987 - 1988

Reimbursable Positions Decision Unit	1987 Appropriation Enacted					1988 Transfers					1988 Request Level				
	Agent/Atty Pos.	FTE	Support Pos.	FTE	Total Pos.	Agent/Atty Pos.	FTE	Support Pos.	FTE	Total Pos.	Agent/Atty Pos.	FTE	Support Pos.	FTE	Total Pos.
Law Enforcement:															
Drug Enforcement Administration	773	760	202	202	975	...	...	...	...	...	773	760	202	202	975
Federal Bureau of Investigation	534	534	296	296	830	...	...	...	...	...	534	534	296	296	830
Immigration & Naturalization Service	98	98	4	4	102	...	...	...	...	...	98	98	4	4	102
U.S. Marshall Service	13	13	...	...	13	...	...	...	...	...	13	13	...	...	13
U.S. Customs Service	219	219	56	56	275	...	...	...	...	...	...	...	...	...	...
Bureau of Alcohol, Tobacco & Firearms	98	91	5	5	103	...	...	...	...	...	...	...	...	...	...
Internal Revenue Service	285	276	87	85	372	...	...	...	...	...	...	...	...	...	...
U.S. Coast Guard	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal	2,020	1,991	850	848	2,870	-602	-588	-148	-146	-750	1,418	1,405	502	502	1,920
Drug Intelligence:															
Drug Enforcement Administration	6	6	19	19	25	...	...	...	...	...	...	6	6	19	25
Federal Bureau of Investigation	58	58	93	93	151	...	...	...	...	...	58	58	93	93	151
Subtotal	64	64	112	112	176	...	...	...	...	...	64	64	112	112	176
Prosecution:															
U.S. Attorneys	484	483	403	394	887	...	...	...	...	...	484	483	403	394	887
Criminal Division	4	4	2	2	6	...	...	...	...	...	4	4	2	2	6
Tax Division	11	10	3	2	14	...	...	...	...	...	11	10	3	2	14
Subtotal	499	477	408	398	897	...	...	...	...	...	489	477	408	398	897
Administrative Support:															
Executive Office	...	...	12	12	12	...	...	...	...	...	...	...	12	12	12
TOTAL	2,583	2,532	1,182	1,160	3,765	-602	-588	-148	-146	-750	1,981	1,946	1,034	1,014	3,015

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Summary of Change
(Dollars in thousands)

	Perm Pos.	Work- years	Amount
1997 Appropriation Enacted.....	3,765	3,692	\$359,430
Adjustments to Base:			
Transfers to and from other accounts:			
Transfer to Department of Transportation, Coast Guard, Operating Expenses.....	...	...	-428
Transfer to Department of the Treasury, Interagency Law Enforcement, Interagency Crime and Drug Enforcement.....	-750	-732	-73,704
Increases:			
1998 pay raise.....	...	...	5,063
Annualization of 1997 pay raise.....	...	...	2,113
Within-grade increases.....	...	...	1,487
General pricing level adjustment.....	...	...	366
Total, increases.....	...	...	9,959
1998 Base.....	3,015	2,960	294,907
1998 Estimate.....	3,015	2,960	294,907

Interagency Law Enforcement
Interagency Crime and Drug Enforcement
Justification of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
Transfers to and from other accounts:			
1. Transfer to Department of Transportation, Coast Guard, Operating Expenses.....			-4828

This transfer reflects the Administration proposal to directly fund task force participation costs for agencies outside the Department of Justice.

2. Transfer to Department of the Treasury, Interagency Law Enforcement, Interagency Crime and Drug Enforcement.....	-760	-732	-73,784
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This transfer reflects the Administration proposal to directly fund task force participation costs for agencies outside the Department of Justice. Resources are provided for the Bureau of Alcohol, Tobacco and Firearms, the Internal Revenue Service, and the United States Customs Service.

Increases:

1. 1998 pay raise.....			5,963
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This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 1998 Budget Submissions, August 1, 1996. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$5,963,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$4,845,000 for pay and \$1,118,000 benefits = \$5,963,000).

2. Annualization and increase of 1997 pay raise.....			2,113
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This pay annualization represents first quarter amounts (October through December) of the anticipated 1997 pay increase of 3.0 percent estimated to be effective January 1997. The amount requested, \$2,113,000, represents the pay amounts for three-quarters of the year (\$1,715,000 for compensation and \$398,000 for benefits).

	Perm. Pos.	Work- year	Amount
3. Within-grade increases.....			1,487
<p>This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay rates, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$1,207,000 for pay and \$280,000 for benefits.</p>			
4. General pricing level adjustments.....			398
<p>This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.8 percent against those subject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.</p>			
Total, increases.....			<u>9,959</u>
Total, adjustments to base.....	-750	-732	-64,463
			1068

Intelligence Law Enforcement
Intelligence Crime and Drug Enforcement
Summary of Requirements by Grade and Chief Class
 (Column in thousands)

Grades and salary ranges	1998 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS-15, \$73,486-86,531	9		9		9			
GS-14, \$62,473-81,217	86		86		86			
GS-13, \$52,867-68,728	1,308		1,297		812		-485	
GS-12, \$44,659-57,800	650		650		536		-114	
GS-11, \$37,004-48,222	91		91		91			
GS-9, \$30,068-39,868	137		137		102		-35	
GS-8, \$27,796-36,068	37		37		37			
GS-7, \$25,081-32,582	371		371		326		-45	
GS-6, \$22,564-29,323	237		237		203		-34	
GS-5, \$20,233-26,303	3		3		237		-78	
GS-4, \$18,085-23,515	464		464		3		-461	
Ungraded positions								
1987 Pay Rate				6,880		6,880		
1988 Pay Rate				5,893		5,893		
Total, appropriated positions	3,774	\$302,356	3,765	\$307,271	3,015	\$171,068	-750	-\$136,203
Pay above stated annual rates		748		870		863		23
La see	-73	-3,136	-73	-4,410	-56	-4,865	16	1,545
Change due to lower pay scales for part of year		-1,785		-1,947		-1,782		165
Net full-time permanent	3,701	198,103	3,692	198,784	2,960	165,334	-732	-\$34,450
Other than permanent:								
Temporary employment								
Other part-time and intermittent employment				14		14		
Other personnel compensation:								
Overseas	36	847	26	877	26	886		9
Unemployment liability pay	551	27,885	531	26,795	362	18,113	-189	-\$8,682
Other compensation	38	1,588	38	1,689	36	1,723	-2	33
Social personnel services payments		432		443		462		19
Total, workyears and personnel compensation	4,316	229,084	4,287	228,712	3,386	187,241	-732	-\$42,471
Average GS Salary		\$43,728		\$48,708		\$49,798		
Average GS Grade		10.56		10.56		10.64		
Average Ungraded Salary		\$79,310		\$81,213		\$82,834		

Intelligence Law Enforcement
Intelligence Crime and Drug Enforcement
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

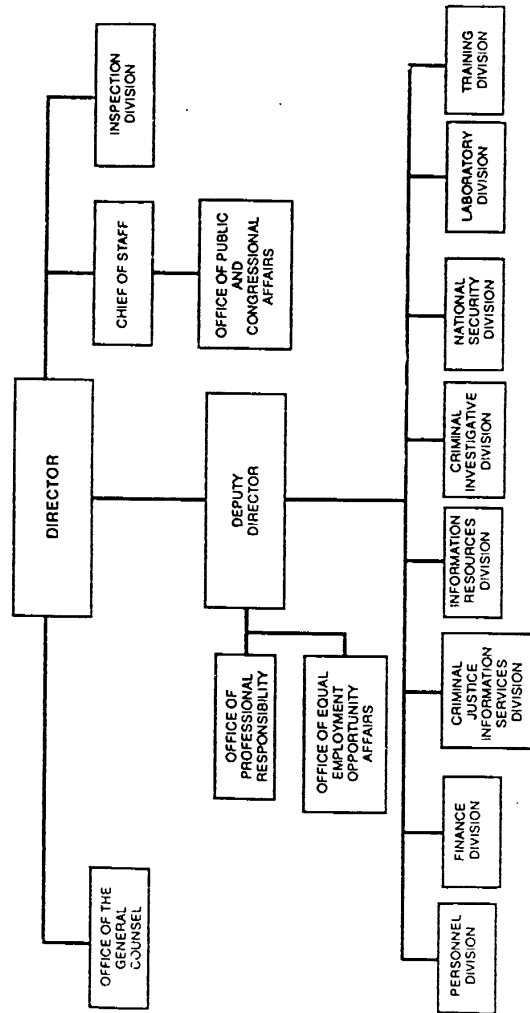
Object Class	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
11.1 Full-time permanent.....	3,701	\$198,103	3,692	\$199,784	2,980	\$165,334	-712	-\$34,450
11.3 Other than full-time permanent.....	19	19	14	14	14	14	...	...
11.5 Other personnel compensation.....	615	30,540	595	29,471	428	21,431	...	-\$8,040
11.8 Special personnel services payments.....		432		443		462	...	19
Total, workyears and personnel compensation.....	4,316	229,094	4,287	229,712	3,398	187,241	-732	-\$42,471
12 Personal benefits.....		53,624		58,895		47,642		-11,253
21 Travel and transportation of personnel.....		6,550		6,907		4,612		-2,295
22 Transportation of things.....		1,030		597		586		9
23.1 GSA and.....		21,492		20,348		18,924		-1,612
23.2 Rental payments to others.....		1,035		2,867		2,902		35
23.3 Communications, utilities and miscellaneous charges.....		6,205		5,119		4,327		-792
24 Printing and reproduction.....		317		256		257		1
25 Other services.....		25,105		24,346		21,653		-2,693
26 Supplies and materials.....		4,166		4,100		2,912		-1,188
31 Equipment.....		7,222		6,005		3,908		-2,086
Total obligations.....		359,843		359,340		294,987		-\$64,355
Optional Authority:								
Unobligated balance brought forward		415				...		...
Appropriation.....		359,428		359,340		294,987		...
Total optional authority.....		359,843		359,340		294,987		...
Relationship of obligations to outlays:								
Obligated balance, start-of-year.....		105,739		142,821		136,855		...
Obligated balance, end-of-year.....		-142,821		-136,855		-123,971		...
Adjustments in expired accounts.....				...		...		...
Outlays.....		\$322,961		\$362,106		\$310,851		...

**Department of Justice
Federal Bureau of Investigation
Salaries and Expenses
Estimates for Fiscal Year 1998
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FEDERAL BUREAU OF INVESTIGATION



Approved by  Date 8/16/96
 JANET RENO
 Attorney General A-1

**Federal Bureau of Investigation
Summary Statement
Fiscal Year 1998**

Overview

For 1998, the FBI is requesting a total of \$3,041,875,000 in direct budget authority, 24,839 permanent positions (10,524 agent), and 23,770 direct funded workyears for its Salaries and Expenses, Violent Crime Reduction Program, Construction, and Telecommunications Carrier Compliance appropriations. This request represents a net increase of \$204,265,000 from the 1997 enacted levels. To address new and increasing investigative responsibilities, and to provide necessary investigative assistance and infrastructure services, the President's 1998 budget proposes direct program increases totaling 522 new permanent positions (161 agent), 262 workyears, and \$142,051,000 for these appropriations:

- *Salaries and Expenses:* The President's 1998 budget proposes 24,831 permanent positions (10,524 agents) and \$2,713,748,000 in direct funding under the Salaries and Expenses appropriation. Program increases totaling 520 permanent positions (161 agent) and \$55,932,000 are requested, including: 56 positions and \$5,945,000 for computer crime investigations; 40 positions and \$16,876,000 for expansion of FBI Legal Attache offices and overseas assignments; 47 positions and \$5,000,000 for investigations of the La Cosa Nostra; 239 positions and \$11,394,000 to comply with the Electronic Freedom of Information Act (EFOIA); and 138 positions and \$16,717,000 for Southwest Border drug and public corruption investigations.
- *Violent Crime Reduction Trust Fund:* The President's 1998 budget proposes 8 permanent positions and \$179,121,000 for FBI activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, as amended, and the Antiterrorism and Effective Death Penalty Act of 1996. Program increases proposed for 1998 total 2 positions and \$30,959,000, including: \$5,900,000 for the Computer Investigations and Infrastructure Threat Assessment Center; \$9,059,000 for EFOIA and Freedom of Information/Privacy Act Document Processing System equipment and services; \$8,000,000 for security reinvestigations; 2 positions and \$6,000,000 to replace microwave radio equipment; and \$2,000,000 for the national backstopping program.
- *Construction:* For 1998, a total of \$49,006,000 is proposed for construction projects. Funding requested in 1998 would support two ongoing projects, the construction of the new FBI Laboratory (\$32,559,000) and necessary maintenance and upgrades at the FBI Academy (\$1,287,000). Funding totaling \$15,160,000 is proposed for two new projects, the renovation of the FBI Headquarters Building (\$10,500,000) and the expansion and renovation of the FBI's Los Angeles Field Office (\$4,660,000).

- *Telecommunications Carrier Compliance Fund:* The President's budget proposes a total of \$100,000,000 in direct funding for the Telecommunications Carrier Compliance Fund, an increase of \$40,000,000. This funding would allow the FBI to continue systems engineering and engineering development activities involving priority telephone switching platforms.

1998 Budget Initiatives

The FBI has identified seven initiatives for the 1998 Congressional budget process: Technology Crimes, International Law Enforcement, La Cosa Nostra, Infrastructure, Telecommunications Carrier Compliance, Southwest Border, and Construction. Following is a summary of these initiatives and the program increases proposed for 1998.

Technology Crimes: 56 Pos. (34 agent), \$11,845,000

Illegal electronic intrusion into computer networks is a rapidly escalating crime problem. White collar criminals, economic espionage agents, organized crime groups, foreign intelligence agents, and terrorist groups have been identified as "electronic intruders" responsible for penetrations of American computer networks. It is estimated that the Pentagon's computers are subject to hackers' attempts 250,000 times a year. The United States Government relies upon the National Information Infrastructure (NII) for the efficient, uninterrupted flow of electronic information for air traffic control, military communications, energy distribution, public safety, and other essential government programs and services. Intelligence and industry forecasts indicate the United States is just beginning to realize the potentially damaging effects and extent of the computer crime problem. Recognizing the potential impact to the government and the private sector, as well as the national security, the FBI has established a Computer Investigations and Infrastructure Threat Assessment Center (CITAC) at FBI Headquarters. This center serves as a joint criminal and intelligence operation to focus upon computer crime investigations and threats to the NII. In support of the Technology Crime initiative, the FBI requires program increases of 56 positions (34 agents) and \$5,945,000 to conduct computer crime investigations and \$5,900,000 for operations of the CITAC.

International Law Enforcement: 40 Pos. (29 agent), \$16,876,000

The FBI believes it is essential to station agent and support staff in other countries to prevent foreign terrorism and foreign crime from reaching into the United States. By the end of 1997, the FBI anticipates having 152 employees (88 agents) assigned to Legal Attache posts in 34 countries around the world. These employees work closely with authorities of host countries to build cop-to-cop bridges that help all law abiding societies to develop cooperative efforts that better protect their people and our people. In June 1996, the FBI provided Congress with a four-year plan for expanding overseas operations between 1996 and 1999. Under this plan, the number of FBI Legal Attache offices would increase from 23 in 1996 to 46 in 1999. FBI overseas staffing for

both Legal Attache offices and DIAP Resolution 6 locations would increase to a total of 205 (126 agents). The FBI's overseas expansion plan was prepared in consultation with and approved by the Department of Justice and Department of State.

In 1998, FBI international law enforcement activities require an increase of 34 positions (23 agent) and \$14,330,000 to open eight new Legal Attache offices and to expand staffing in other existing Legal Attache offices. Additionally, six agent positions and \$2,546,000 are required for assignment to DEA Country Offices in Mexico under the provisions of DIAP Resolution 6. A proposal to extend to the FBI the authority to provide danger pay for personnel assigned to high risk overseas assignments is included under Section 107, General Provisions - Department of Justice.

La Cosa Nostra: 47 Pos. (28 agent), \$5,000,000

The La Cosa Nostra remains the foremost organized criminal threat to American society. There are currently over 1,200 "made" members of the La Cosa Nostra and many additional associates. Less than 10 percent of identified La Cosa Nostra members are currently incarcerated. Investigative and intelligence information indicate that La Cosa Nostra families that were seriously damaged by previous FBI and other law enforcement investigations and prosecutions are beginning to rebuild their criminal enterprises, including the induction of new "made" members.

In 1996, the FBI began implementation of a five-year strategic plan, named "Operation Heaven's Gate," to further reduce the La Cosa Nostra's influence over labor unions and certain industries, as well as to reduce the membership of all La Cosa Nostra families. The FBI is assigning approximately 445 agents in 21 field offices to this initiative on a full-time basis starting in 1996. Continued implementation in 1998 of the "Operation Heaven's Gate" five-year plan requires an additional 47 positions (28 agent) and \$5,000,000.

Infrastructure: 241 Pos., \$36,453,000

The President's 1998 budget proposes increases totaling 241 positions and \$36,453,000 to address several Administration and FBI Infrastructure priorities. The Electronic Freedom of Information Act of 1996 (EFOIA) requires all Government agencies to provide public information to requesters in electronic format, i.e., compact disk (CD) or floppy diskette. The EFOIA also requires that computer-based information in addition to paper records kept by agencies be subject to review. Further, all Freedom of Information/Privacy Act reading room material created on or after November 1, 1996, must be available in electronic format by November 1, 1997. The EFOIA does not allow for agency backlog of requests, nor does it allow agencies to claim exemptions under traditional precedents. Therefore, the President's 1998 budget proposes an increase of 239 positions and

\$15,453,000 to bring the FBI into compliance with the EFOIA. Funding totaling \$5,000,000 is also proposed to acquire necessary contractor services, equipment, and telecommunications services for implementation of the FBI's FOIPA Document Processing System (FDPS). The FDPS, which is also a Department of Justice National Performance Review laboratory, is expected to help the FBI reduce its backlog of FOIPA requests which currently exceed 15,000.

Executive Order 10450 and Office of Personnel Management regulations, Chapter 736, require that all persons in the Government in special sensitive positions be subject to reinvestigations every five years. All FBI employees and most contract personnel hold "Top Secret" and are in special sensitive positions. A program increase of \$8,000,000 is proposed to implement a full five-year reinvestigation program for FBI employees and contract personnel having access to classified materials and facilities. A program increase of \$2,000,000 is proposed to upgrade and strengthen the capabilities of the FBI's National Backstopping Program. The National Backstopping Program supports FBI undercover operations and undercover agents that are critical to many organized crime, drug trafficking, public corruption, and national security investigations. Finally, the FBI must begin replacing microwave radio communications equipment operating in the 1710-1755 megahertz bandwidth due to the reassignment of these frequencies by the Federal Communications Commission to non-Government users. The FBI uses the 1710-1755 bandwidth in 24 of its 56 field offices. A six-year transition plan is being proposed, beginning in 1998, in order to vacate these frequencies by 2004. To implement this transition plan, an increase of 2 electronics technicians and \$6,000,000 is proposed. The total cost for migrating from the 1710-1755 bandwidth is \$30,000,000. Private vendors are not required to reimburse the FBI for vacating this spectrum.

Telecommunications Carrier Compliance: \$40,000,000

The Communications Assistance for Law Enforcement Act (CALEA) (P.L. 103-414) clarified the duty of the telecommunication carriers to assist law enforcement agencies with the lawful interception of communications and the collection of call-identifying information in a rapidly changing telecommunications environment. This legislation was necessitated by the erosion of law enforcement interception abilities and the frustration of court orders for electronic surveillance as a result of the deployment of advanced telecommunications technologies. The FBI documented to Congress 183 cases where advanced telecommunications equipment had impaired or prevented execution of a wiretap court order. In just one locality alone, the FBI was unable to conduct, or was significantly delayed in conducting, 34 court-ordered interceptions over an 18-month period.

The President's 1998 budget proposes a program increase of \$40,000,000, for total direct appropriated funding availability of \$100,000,000. This funding level would allow the FBI to continue systems engineering and engineering development activities of priority telephone switching platforms.

Southwest Border: 138 Pos. (70 agent), \$16,717,000

The Southwest Border Project is a joint FBI, DEA, and United States Attorney initiative targeting the four most significant Mexican Drug Trafficking Organizations (MDTOs). These organizations are involved in the trafficking of bulk quantities of cocaine, marijuana, and heroin, as well as the laundering of money obtained from drug activities. MDTOs promote corruption of public officials through a combination of intimidation and violence, as well as through monetary payments to gain influence and access. These organizations operate internationally, principally with Colombian drug cartels. Mexican organizations are also interacting with Italian, Asian, and Nigerian criminal enterprises by providing transportation services and storage facilities for drug shipments and contraband, access to corrupt officials to facilitate the movement of illicit drugs and contraband, and illegal aliens.

To enhance ongoing Southwest Border Project efforts in 1998, the FBI requests an additional 104 positions (50 agent) and \$10,650,000 for drug trafficking investigations; 34 positions (20 agent) and \$1,567,000 for public corruption investigations; and \$2,500,000 for operational expenses and services provided by the Joint FBI/DEA Southwest Border Special Operations Division.

Construction: \$15,160,000

For 1998, the President's budget proposes a total of \$49,006,000 for FBI Construction activities, including increases of \$15,160,000 for two new projects. Recurring base level funding will complete the funding requirements for the new FBI Laboratory facility at the FBI Academy. The ongoing relocation of the Criminal Justice Information Services Division to Clarksburg, West Virginia, and the planned relocation of the Laboratory Division to new facilities at Quantico, Virginia, will necessitate the renovation of approximately 405,880 square feet of space in the FBI Headquarters Building that is being vacated by these components. A 1992 assessment by an architectural and engineering firm estimated the cost of this renovation effort at \$26,400,000. The FBI has developed a multi-year plan that combines the renovation of the vacated space with the consolidation of Headquarters divisions and offices into contiguous space for more efficient operations. Additionally, the FBI would consolidate components currently located in leased commercial space back into the FBI Headquarters building. This proposal is consistent with the Vulnerability Assessment of Federal Facilities Study, conducted by the Department of Justice in the aftermath of the bombing of the Murrah Federal Office Building in Oklahoma City, which recommends that Federal law enforcement agencies not be located in rental space with non-Federal tenants whenever possible. The President's 1998 budget includes \$10,500,000 to begin implementation of this multi-year plan.

The FBI's Los Angeles Field Office currently occupies space on several floors of the Federal Building in Los Angeles, California. An additional 40,000 square feet of space (two floors) are required to accommodate growth in the size of the agent and support workforce assigned to the Los Angeles Field Office and to provide enhanced security and technical capabilities. Total cost for the renovation and realignment project is \$9,460,000, of which the General Services Administration will provide \$4,800,000 for

asbestos removal and initial standard alterations. Funding totaling \$4,660,000 is included in the President's 1998 budget for the renovation and realignment for architectural and engineering design, construction administration, above standard build-out costs, and realignment of space.

Reimbursable resources. In addition to direct funded resources, the President's 1998 budget proposes a total of 3,556 reimbursable positions (989 agent) and 3,411 reimbursable workyears for the FBI. Under the reimbursable Interagency Crime and Drug Enforcement program, the 1998 budget proposes 981 total positions (592 agent), 981 workyears, and \$105,703,000 for FBI drug-related task force operations and related activities. Pursuant to the Health Care Portability and Accountability Act of 1996 (P.L. 104-191), the 1998 budget includes 569 positions (340 agent), 533 workyears, and \$56,000,000 for FBI health care fraud investigations, an increase of 72 positions (44 agent), 36 workyears, and \$9,000,000 from the previous year. The remaining reimbursable positions and workyears are used to facilitate a number of activities, such as pre-employment background inquiries, name checks, fingerprint checks, and detail assignments to other agencies. The President's 1998 budget proposes 300 new reimbursable positions and workyears to address the growing Criminal Justice Services user fee program workload.

Representation Fund Authorization

The President's 1998 budget proposes an authorization level of \$60,000 for reception and representation expenses, an increase of \$15,000 from the current authorization of \$45,000. This increase is necessary due to the proposed growth in the number of FBI Legal Attache offices from 23 in 1996 to 42 in 1998 and the significant increase in joint FBI/state and local task force and working group operations.

Federal Bureau of Investigation
Salaries and Expenses
Justification of Proposed Changes in Appropriations Language

The 1998 budget estimates include proposed changes in the appropriations language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, including purchase for police-type use of not to exceed [2,706] 3,094 passenger motor vehicles, of which [1,945] 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft, and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of the Attorney General, [\$2,451,361,000] \$2,713,748,000, of which not to exceed \$50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed \$1,000,000 for undercover operations shall remain available until September 30, [1998] 1999; of which not less than \$147,081,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security, of which not to exceed [\$98,400,000] \$84,400,000 for the automation of fingerprint identification services and related costs and not to exceed \$14,000,000 for research and development related to investigative activities shall remain available until expended; and of which not to exceed \$10,000,000 is authorized to be made available for making [payments of] advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which \$1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: Provided, That not to exceed [\$45,000] \$60,000 shall be available for official reception and representation expenses; Provided further, That not to exceed 81 permanent positions and 85 full-time equivalent workyears and \$5,959,000 shall be expended for the Office of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.]

[For an additional amount for necessary expenses of the Federal Bureau of Investigation to prevent and investigate terrorism activities and incidents; provide for additional agents and support staff; protect key physical assets; establish a capability for chemical, biological and nuclear research; improve domestic intelligence; and improve security at Federal Bureau of Investigation offices, \$115,610,000, as authorized by the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132): Provided, That the entire

amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.] Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

Further, for the foregoing purposes, \$194,881,000, as follows: For the automation of fingerprint identification services and related costs, \$47,800,000, to become available on October 1, 1998, and remain available until expended; and for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security, during fiscal year 1999, \$147,081,000. (Department of Justice Appropriations Act, 1997)

Explanation of Changes

1. Change in motor vehicle purchase authority is based upon increases proposed for 1998.
2. An increase in budget authority is based upon funding proposed for 1998.
3. Provides for two-year authority for funds available for the acquisition of automated data processing and telecommunications and technical investigative equipment and for undercover operations. Two-year authority is required due to the often lengthy nature of major contracts and procurements and to provide continuity of funding for sensitive undercover operations in the event of a lapse in appropriations.
4. Restores prior year language and funding for the automation of fingerprint identification services and related activities and research and development activities.
5. Technical language change to clarify the authorization to use funds for cooperative activities with State and local law enforcement activities.
6. Increases to \$60,000 the level authorized for official representation and reception expenses. The present authorization level of \$45,000 allows an allocation of \$16,500 for Legal Attache offices and \$28,500 for domestic field offices. An increase in reception and representation authorization is needed to facilitate the FBI's overseas expansion plan, endorsed by both the Department of Justice and Department of State, and submitted to Congress in June 1996. Domestically, the FBI has established a number of task forces with other Federal, State, and local law enforcement agencies that involve the assignment of hundreds of agents and officers to Joint Terrorism Task Forces, Safe Streets Task Forces, and other similar entities. In support of these efforts, the FBI field offices serve as host for events, meetings, and conferences that are extremely beneficial toward achieving task force and joint working group objectives and goals.
7. Deletes language restricting funding available for the Office of Legislative Affairs and Public Affairs.
8. Deletes emergency designation language not required for 1998.
9. Includes new language regarding the use of funds for ballistics imaging equipment and conditions under which State and local authorities may accept such funds. This language is intended to prevent State and local authorities from using Federal funds to

10. acquire duplicative ballistics imaging equipment. Similar language is also included for the Bureau of Alcohol, Tobacco, and Firearms, United States Department of the Treasury.
- Includes advance appropriations language for the automation of fingerprint identification services and related activities. Also includes advance appropriations language for defense discretionary funding consistent with P.L. 99-145 which requires the President to submit a two-year budget proposal for the Department of Defense and related agencies, including those having multifunction appropriations with national defense components.

Federal Bureau of Investigation Salaries and Expenses Continued: Other Categories Grants and Other Charges Grants and Other Charges													
Activity/Program	1997 President's Budget Request as Amended				Health Care Fraud Enforcement				Congressional Action				1997 Reprogramming Pos WY Amt
	Pos	WY	Amt		Pos	WY	Amt		Pos	WY	Amt		
1 Criminal Security and Other Investigations													
a. Criminal Security and Other Investigations	3,088	3,787	\$377,221										
b. White Collar Crime	4,591	4,425	436,014	(420)	(420)	(420)	(138,000)						
c. Other Field Programs	10,153	9,184	1,099,736										
Subtotal	18,832	17,396	1,912,971	(420)	(420)	(420)	(138,000)						
2 Law Enforcement Support													
a. Training, Recruitment, and Applicant	871	820	84,053										
b. Forensic Services	1,674	1,647	167,425										
c. Information Technology and Automation	945	864	164,407										
d. Technical Field Support & Services	292	246	133,743										
e. Criminal Justice Services	1,187	1,148	115,111										
Subtotal	4,568	4,258	675,660										
3 Program Decision													
a. Management and Administration	1,452	1,292	122,646										
Total Salaries and Expenses	24,810	22,946	\$2,711,277	(420)	(420)	(420)	(138,000)						
Health Care Fraud Enforcement. Includes a transfer of 420 field positions (250 Special Agent) from Salaries and Expenses direct funding to reimbursable funding as required by the Health Care Portability and Accountability Act of 1996 (P.L. 104-191).													
Congressional Action													
The Violent Crimes program was increased by 86 support positions and \$1,967,000 to support Safe Streets Task Force. Items not approved by Congress included: International Law Enforcement Investigations Contract Services (\$4,136,000) also was denied by Congress.													
Congress appropriated funds to enhance the FBI's Anti-Terrorism efforts. To include the following initiatives: Double the "Violent Crime" (89) positions and 74,321,000; Improve Information Intelligence (\$2,167,000); Improve Crime Management (10) positions were funded but a reduction of \$12,142,000 for Equipment/Technology Aerial was cancelled; and a reduction of \$10,000 for Providing Secure Work Environment. The Congressional action also includes a procurement reduction of \$2,914,000 and funding transfer from the Salaries and Expenses account to the Law Enforcement Program account to support a base transfer (\$333,000) within the Violent Crimes Program; Supplemental Budget direct support funding (\$4,036,000); Supplemental Budget direct support funding (\$3,334,000) and two new NCIC 2000 fees (\$8,256,000).													
1997 Congressionally Approved Reprogramming include: TELU, NCIC 2000, FOIPA, Security and Personnel Services reprogramming (C-38) accounts and to the Management and Administration (MMA) and Technical Communications (MTC) accounts. The total reprogramming includes three agent profiles and from OCE and NCIC 2 agent profiles from VC, 46 support profiles from CJS to IT-S&S (8 agent and 21 support profile) and MMA (25 support profile) to support the TELU.													
The NCIC 2000 reprogramming includes reprogram for the development of NCIC 2000, adding 10 support profiles and \$77,000 from the CJS, account unit to Information Management, Automation and Telecommunications (MMA) decision unit. The Freedom of Information and Privacy Act (FOIPA) reprogramming includes reprogram of 308 positions/260 fee and \$18,167,000 from MMA, and a 1996 permanent reprogramming of an FOIPA program enhancement (179 profiles FTE and \$3,327,000) and maintenance (\$604,000). The Security Program reprogramming includes 38 support profiles and \$1,459,000 related to physical security functions of the FBI from MMA to the Training, Recruitment and Applicant (TRM) decision unit.													
In addition to the above 1995 reprogramming affecting 1997 and subsequent years, there was also a permanent 1996 approved reprogramming of 186 positions (72 agent) and \$14,367,000 from various Field and HQ program activities to other HQ programs. This reprogramming also included the transfer of 84 support positions from the Information Management Automated Telecommunications (MMA-T) decision unit to other HQ divisions and offices as a result of needs analysis study and personnel savings through the Automated Case Support Function.													
HOTA Transfer. Includes a one-year only transfer of \$3,526,000 to the Organized Criminal Enterprises program for the High Intensity Drug Trafficking Areas (HIDTA).													

Federal Bureau of Investigation
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:		Pos.	WY	Amount		
1997 Appropriation Enacted		24,298	22,397	2,870,467		
Direct Adjustments to Base:						
Mandatory Personnel Adjustment		3	258	66,345		
Technical Adjustment for Financial Preparation Statements		10	10	...		
Annualization/Nonrecurrence personnel		...	834	45,264		
Nonrecurrence non-personnel decreases (includes HDTA decrease)		...	...	(6,478)		
Mandatory reductions		...	...	(14,097)		
Transfer of S&E to Violent Crime Reduction Program		...	...	(6,715)		
Increase for NMI		...	3	...		
1998 Base		24,311	23,502	2,657,816		
Program Changes (see Program Narrative for Details)		520	261	56,932		
1998 Request		24,831	23,763	2,713,748		
Estimates by budget activity						
Direct						
1. Criminal, Security, and Other Investigations						
1997 Appropriation Enacted		Perm. Pos.	WY	Amount		
		18,208	16,868	\$1,795,414		
1998 Base		Perm. Pos.	WY	Amount		
		18,208	17,816	\$1,875,801		
2. Law Enforcement Support		Perm. Pos.	WY	Amount		
		4,235	3,838	631,099		
1998 Base		4,235	4,004	632,666		
3. Program Direction		Perm. Pos.	WY	Amount		
		1,797	1,591	143,964		
1998 Base		1,807	1,682	149,319		
Total		24,311	23,502	\$2,657,816		
1998 Request		24,831	23,763	\$2,713,748		
Increase/Decrease		Perm. Pos.	WY	Amount		
		281	141	\$44,538		
			
		239	120	\$11,364		
		520	261	\$56,932		

*Position and workyear levels are based upon proposed FBI distribution.

Federal Bureau of Investigation
Bureau and Expenses
Summary of Revenues by Program
(Column in Thousands)

	1990 in Budget			1990 Actuals			1987 Appropriation			1988 Base			1989 Request			Increase/Decrease		
	Perf.	WY	Amount	Perf.	WY	Amount	Perf.	WY	Amount	Perf.	WY	Amount	Perf.	WY	Amount	Perf.	WY	Amount
Estimates by Program																		
Investigation																		
Criminal, Security, and Other	3,366	3,098	528,377	3,874	3,845	528,526	3,882	3,782	528,428	3,882	3,820	527,704	4,064	3,846	540,720	181	88	126,026
Organized Criminal Enterprises	4,348	4,181	384,156	4,331	4,504	388,184	4,158	3,882	388,238	4,160	4,010	402,848	4,298	4,006	414,480	130	45	8,512
White-Collar Crime	8,884	8,879	848,880	8,213	8,805	822,441	10,248	8,112	823,140	10,248	9,888	1,007,148	10,248	9,888	1,007,148	0	45	8,512
Other Field Programs	8,884	8,879	848,880	8,213	8,805	822,441	10,248	8,112	823,140	10,248	9,888	1,007,148	10,248	9,888	1,007,148	0	45	8,512
Subtotal	25,482	24,066	1,769,493	25,420	26,958	1,739,195	28,538	25,776	1,739,195	28,538	27,718	1,937,680	28,538	27,718	1,937,680	281	141	44,536
Law Enforcement Support																		
Training Services	1,276	1,146	138,782	1,316	1,307	131,128	881	845	131,128	881	881	131,128	881	881	131,128	0	0	0
Information Management, Administration	429	481	47,888	429	427	42,188	722	684	42,188	722	684	42,188	722	684	42,188	0	0	0
and Technical Services	947	822	148,837	887	772	141,827	947	822	141,827	947	822	141,827	947	822	141,827	0	0	0
Training Services	947	822	148,837	887	772	141,827	947	822	141,827	947	822	141,827	947	822	141,827	0	0	0
Training Services	1,724	1,579	174,147	1,724	1,843	188,248	1,724	1,579	188,248	1,724	1,843	188,248	1,724	1,843	188,248	0	0	0
Training Services	1,724	1,579	174,147	1,724	1,843	188,248	1,724	1,579	188,248	1,724	1,843	188,248	1,724	1,843	188,248	0	0	0
Subtotal	4,380	3,988	509,854	4,255	3,923	463,391	4,255	3,923	463,391	4,255	4,004	532,988	4,255	4,004	532,988	0	0	0
Program Director																		
Management and Administration	1,847	1,522	130,887	1,847	1,802	108,466	1,797	1,881	143,884	1,807	1,882	148,318	2,048	1,882	160,713	241	120	11,364
TOTAL	22,860	21,188	62,514,288	22,860	21,373	62,508,802	24,298	22,387	62,570,487	24,311	23,802	62,573,748	24,831	23,793	62,573,748	570	261	845,822
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,802	23,802	23,793	23,793	23,793	0	0	0
Other																		
Other	21,188	21,188	21,188	21,373	21,373	21,373	22,387	22,387	22,387	23,802	23,8							

**Federal Bureau of Investigation
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)**

Collection by Source	1986 Actual		1987 Estimate		1988 Requested		Increase/Decrease	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
Organized Crime Drug Enforcement	981	103,383	981	103,047	981	100,700	..	2,656
Assets Forfeiture Fund	..	24,110	..	24,112	..	24,112	..	..
Identification User Fee (Non-Federal)	508	495	508	495	508	495	..	..
Drug Court Program	748	53,085	748	53,085	748	53,085	..	..
Maritime Crime	..	1,750	..	1,750	..	1,750	..	..
Background Investigations	245	913	245	913	245	913	..	..
Health Care Fraud	..	2,848	..	2,848	..	2,848	..	..
Loan of Personnel	43	38	43	38	43	38	..	..
All Other	37	104,322	37	104,354	37	104,351	..	3
No Year	..	48,907	..	48,907	..	48,907	..	..
Subtotal Resources	2,794	2,868	2,794	2,868	2,794	2,868	..	..
Changes in workyears, positions, and funding:								
There are program increases of 300 workyears for Identification User Fee, 75 workyears for the Health Care Fraud, and a transfer of three workyears from reimbursable to direct funding in the 1988 base								
to support the Northern Maritime Islands. Other increases include funding for the 1988 payraises and locality pay, except for the Health Care Fraud, Identification User Fee, and the Organized Crime								
Drug Enforcement, which have mandatory 1988 payraises. These increases would apply for the Collections by Program schedule on the next page as well.								
No Year funding:								
The reimbursable no year (NY) funding is estimated for the following two programs:								
Criminal Justice Information Services								
FY 1988 Attorney General's Counterterrorism Fund								
Working Capital Fund								
Office of National Drug Control Policy								
Office of Inspector General								

The FY 1988 reimbursable NY obligations of \$48,907 million were spread across all ten FBI decision units.

Federal Bureau of Investigation
Reimbursable Resources
Summary of Resources
(Dollars in thousands)

Collection by Program	1996 Actual			1997 Estimate			1998 Request			Increase/Decrease	
	Poe	WY	Amount	Poe	WY	Amount	Poe	WY	Amount	Poe	WY
Organized Criminal Enterprises	1,169	1,148	123,280	1,169	1,169	123,297	1,169	1,169	127,717	72	75
White Collar Crime and Applicant			68,912	497	456	68,912	589	533	68,912		
Organized Crime			68,912			68,912			68,912		
Training, Recruitment, and Applicant	489	172	10,990	212	212	10,442	209	209	10,448	(3)	(3)
Forensic Services			78			78			78		
Information Management, Automation, and											
Telecommunications (IMAT)	184	183	9,755	184	184	9,898	184	184	10,122		
Technical Field Support and Services	2	2	20,974	2	2	20,977	2	2	20,981		
Criminal Justice Services	1,169	1,137	20,945	1,172	1,011	20,945	1,172	1,311	20,945	300	300
Management and Administration (M&A)	3	3	29,869	3	3	29,845	3	3	29,845		
No Year Funding			48,907			35,032			23,000		
Budgetary Resources	3,042	2,655	392,583	3,187	3,039	425,822	3,558	3,411	438,073	368	372

Justification of Increase, Organized Criminal Enterprises (OCE)

This program includes the loan of FBI personnel to other agencies and the background investigations performed of other agencies. "polity support is provided at the FBI Academy, Quantico, Virginia to accommodate the Drug Enforcement Administration (DEA) training functions. Costs include salaries and benefits, custodial maintenance, ammunition, and other costs based on training needs.

Justification of Increase, White Collar Crime (WCC)

On August 21, 1996, President Clinton signed the Health Insurance Portability and Accountability Act (HIPAA) of 1996. The HIPAA established a health care fraud enforcement fund with the United States Treasury Department. The FBI is reimbursed for personnel assigned to the National Drug Intelligence Center (NDIC). NDIC coordinates and consolidates drug intelligence from all national security and law enforcement agencies.

Justification of Increase, Training, Recruitment, and Applicant

This program includes the loan of FBI personnel to other agencies and the background investigations performed of other agencies. "polity support is provided at the FBI Academy, Quantico, Virginia to accommodate the Drug Enforcement Administration (DEA) training functions. Costs include salaries and benefits, custodial maintenance, ammunition, and other costs based on training needs.

Justification of Increase, Information Management, Automation, and Telecommunications

The IMAT personnel perform name checks for Federal agencies under the user fee function.

Justification of Increase, Criminal Justice Services

The user fee function includes reimbursable barge of fingerprint card examinations requested by state and local institutions. Fingerprint cards are also examined for defense contractors and other Federal Government agencies on a reimbursable user fee basis.

No Year Funding

The FY 1996 reimbursable NT obligations of \$48,907 million were spread across all ten FBI decision units.

Federal Bureau of Investigation
Salaries and Expenses
User Fee Information
(Dollars in thousands)

Collections by Program	1988 Actual		1987 Estimate		1988 Estimate		Increase/Decrease	
	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT
Information Management								
Federal Name Check	184	8,705	184	8,848	184	8,072		224
Non-Federal User Fee	558	34,065	558	34,572	858	43,860	300	9,368
Federal User Fee	932	44,300	562	45,106	562	46,147		1,041
Total Costs, FBI	1,304	87,150	1,304	88,526	1,604	98,179	300	10,633

Information Management

The Federal Name Check program was authorized by Congress in November, 1989, and began on January 1, 1990, with a fee charged for processing name checks against the FBI's Central Records Index for Federal Agencies for non-criminal justice and non-law enforcement purposes. At the inception of the program, an automated name check resulting in no record cost \$0.50, as did an indices check. A computer search cost \$8.00, while a manual search cost \$8.50.

Each year the fee is adjusted by indexing all costs associated with providing the service. These costs include personnel and non-personnel items, such as equipment, supplies, rent, communications, utilities, travel, maintenance, and other miscellaneous services. All costs incurred by the FBI are recovered by the user fee. The user fees associated with the Federal Name Check program were increased in 1992 as follows:

Fee Schedule- Information Management Program

Automated input/output check of Central Records	\$1.40
Indices popular (record)	10.85
Manual input/output check of Central Records Index	12.00
All submissions	22.35
Telephone expedite	

Criminal Justice Services

Non-Federal User Fee

The Non-Federal User Fee program began on October 1, 1982, with a \$12.00 fee charged for processing each applicant fingerprint card submitted by banking and securities institutions, the commodities futures trading industry, and authorized state/local employment and licensing authorities. Procedures were implemented so that fingerprint cards, whenever possible, would be submitted to the FBI through state identification bureaus, the American Bankers Association, stock exchanges, and other umbrella groups in an effort to minimize the FBI's accounting and billing burdens. To help offset handling expenses, the charging agencies were allowed to retain \$1.00 of the \$12.00 fee.

Each year the fee is determined by reviewing all costs associated with providing the service. These costs include personnel items, such as salaries, benefits, training, and handling, as well as non-personnel items, such as equipment, supplies, rent, communications, utilities, travel, maintenance, and other miscellaneous services. All costs incurred by the FBI are recovered by the user fee. Since initiation of the Non-Federal User Fee program, the fee for processing fingerprint cards has increased from the initial level of \$12.00 in 1982 to \$17.00 in 1990 and to \$18.00 in 1994. As part of the October 1990 fee increase, charging agencies were allowed to retain \$2.00 of the fee to offset their handling costs. Additionally, the FBI received authorization to add a surcharge to the fee to support the automation of fingerprint identification services. Beginning in March 1990, a \$8.00 surcharge for automation was implemented, bringing the total fee to the current level of \$24.00.

Federal User Fee

The Federal User Fee program was authorized by Congress in November 1989 and began on January 1, 1990, with a \$17.00 fee charged for processing fingerprint identification requests from Federal agencies that serve non-criminal justice and non-law enforcement related. Each year the fee is determined by reviewing all costs associated with providing the service. These costs include personnel items, such as salaries, benefits, training, and recruiting, as well as non-personnel items, such as equipment, supplies, rent, communications, utilities, travel, maintenance, and other miscellaneous services. All costs incurred by the FBI are recovered by the user fee. Since initiation of the Federal User Fee program, the fee for processing fingerprint cards has increased from the initial level of \$17.00 in 1990 to \$18.00 in 1994. Federal agencies are not assessed the special user fee surcharge for automation support. Also, beginning in 1993, Federal agencies submitting fingerprint cards accompanied by descriptive data on machine readable data (MRD) tape have been allowed to retain \$2.00 of the fee payment to offset handling costs.

MRD name searches are also accepted. The FBI charges \$2.00 for each response from an automated and manual system, with a \$4.00 charge for any MRD name search followed by a fingerprint card to be retained by the FBI. The fee for a name check submitted manually on paper is \$8.00. A MRD name search followed by a fingerprint card for verification purposes is \$9.00. The entire fee schedule is as follows:

Fee Schedule- Criminal Justice Services Program

Fingerprint card processing fee (Non-Federal)	\$18.00
Special user fee surcharge (Non-Federal)	6.00
Fingerprint card processing fee (Federal)	18.00
Identification records name search	
Automated or manual	2.00
Name search with fingerprint card	4.00
Name search without fingerprint card	6.00
Name search with fingerprint card for verification	9.00

FEDERAL BUREAU OF INVESTIGATION
Mission Statement and General Goals

MISSION: The mission of the FBI is to uphold the law through the investigation of violations of Federal criminal law; to protect the United States from foreign intelligence activities; to provide leadership and law enforcement assistance to Federal, State, local, and international agencies; and to perform these responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States.

GENERAL GOALS:

- 1) Investigate violations of the laws of the United States within FBI jurisdiction, collect evidence in domestic and international cases in which the United States is or may be a party of interest.
- 2) Collect, analyze, and exploit information to identify and neutralize the activities of foreign powers and their agents, and domestic entities, that adversely affect the United States' national security through counterintelligence, counterterrorism, and security countermeasures investigations.
- 3) Provide forensic, identification, information, and training services external to the FBI.
- 4) Provide effectively and efficiently those supporting services necessary to the accomplishment of the FBI mission.
- 5) Provide effective national and organizational leadership, as well as, effective direction, control, and administration of resources.

**Federal Bureau of Investigation
Salaries and Expenses
Justification of Program and Performance
(Dollars in thousands)**

Organized Criminal Enterprises	Perm. Pos.		ETB		Amount
1997 Appropriation Anticipated	3,862		3,763		\$368,438
1998 Base Anticipated	3,863		3,820		373,704
1998 Estimate	4,054		3,916		408,730
Increase/Decrease	191		96		\$35,026

BASE LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: Organized Crime (OC) is a continuing and self-perpetuating criminal conspiracy employed by groups that are hierarchical in structure, which feed on fear and corruption, and which are motivated by the potential generation of profits, impacting particular locales/regions or the nation as a whole. OC groups maintain their position through the use of violence or threats of violence, corruption of public officials, and extortion. However, much like the multi-national conglomerates that they resemble, OC groups have expanded their activities into areas such as smuggling of drugs and other embargoed commodities, industrial and technological espionage, financial market manipulation and the corruption and control of groups within and outside of the legal state system. With their successful forays into these areas, tremendous revenues are laundered through multiple investments in banks, financial institutions and businesses around the globe.

The La Cosa Nostra (LCN) is the most significant organized criminal threat to American society. Despite a number of successful FBI investigations, less than 10 percent of identified LCN members are currently incarcerated. Approximately 600 LCN members are criminally active in New York City alone. When one factor in the estimated association of 10 nonmember criminal associates for each LCN member, the magnitude of the problem posed by the LCN takes on an even more compelling dimension. Reliable source information indicates that the five New York LCN families have recently inducted or plan to induct more than 70 new members. Similar intelligence suggests that other LCN Families throughout the country, previously damaged by successful prosecutions, are beginning to rebuild their criminal enterprises. Heaven's Gate, the FBI's five-year LCN strategic plan, will target racketeering activities of the New York-based Gambino and Genovese Families, the largest and most powerful LCN Families in the country. Their power derives, in large part, from their control over various labor unions. While other LCN Families are involved in labor racketeering, none has power or influence comparable to that possessed by the Gambino and Genovese Families. Heaven's Gate will specifically focus on reducing the LCN's influence in major labor unions and on reducing the LCN's size, wealth and broader influence in the U.S.

While the LCN remains the best known and most significant OC group in the U.S., Asian, Italian, European, Eurasian, South American, Mexican, African and other international and domestic crime groups now pose a serious threat to American society. The emergence in recent years of the other aforementioned OC groups is straining the FBI's base level

Organized Criminal Enterprises (OCE) resources. If the FBI does not do more to thoroughly address these emerging and rapidly expanding groups, there is a strong possibility these groups will gain a stronger foothold in the U.S. and become even more costly to dismantle. The extent of the problem is enormous. There are 24 LCN families with 1,200 members that influence numerous labor unions throughout six industries in 21 cities across the U.S. In contrast, Russian/Eurasian groups number up to 3,600 with a membership of approximately 100,000. These groups continue to increase their activity in illegal drug trafficking, violent crimes, control of labor unions and specific industries, and other criminal activity.

The national strategy for organized crime/drug enterprises utilizes a multi-faceted approach with the ultimate objectives of disrupting and dismantling criminal organizations, prosecuting the leadership, and seizing illegal profits through forfeiture proceedings. Efforts will be concentrated on reducing the scope of criminal activity, corruption and associated violence in Puerto Rico and the Virgin Islands, and preventing the Asian, Dominican, Mexican, Colombian and Nigerian criminal enterprises from perpetrating their activities within the U.S.

The FBI has exclusive investigative jurisdiction over all anti-racketeering violations contained in Title 18, U.S.C., and has concurrent jurisdiction over drug violations contained in Title 21, U.S.C. The FBI's experience in dealing with the LCN and our established database on the families and membership give the FBI a unique ability to address emerging organized criminal enterprises and traditional organized crime families. The FBI's experience in OCE investigations and its established databases of criminal enterprises and current investigations give it a unique ability to address emerging crime problems from a national and international perspective. In 1982, Attorney General William French Smith authorized concurrent jurisdiction to investigate Federal drug laws to the FBI and the Drug Enforcement Administration (DEA). The FBI has applied the same expertise and resources to drug enforcement that it had successfully used against organized crime. Additionally, the FBI has various investigative techniques, to include court-authorized Title III electronic surveillance and the offering of immunity to cooperating witnesses in an effort to secure needed testimony against serious offenders, that are unavailable to State, local or single mission investigative agencies. The FBI coordinates with international and national law enforcement to resolve the most complex, sensitive, organizationally focused and dangerous investigations.

The FBI has had a significant impact on the LCN through the use of sophisticated investigative techniques such as electronic surveillance and undercover operations. Through the use of such techniques, FBI investigations have resulted in successful Federal prosecutions of the hierarchies of most LCN Families.

The FBI and DEA are currently engaged in a number of coordinated and aggressive investigative efforts, targeting key elements of major drug trafficking organizations. For example, along the Southwest Border, the FBI and DEA are targeting key elements of four of the seven core Mexican trafficking organizations in Mexico and the United States. This initiative is having significant successes in identifying and disrupting core organizations, as well as secondary organizations providing transportation, distribution, and money laundering services throughout the United States. Based upon the size, strength and wealth of the targeted organizations, coupled with the international and interstate nature of their activities, Federal coordination is critical.

Another example of this coordination is in the investigation of Asian Criminal Enterprises (ACEs). ACEs are emerging as formidable criminal enterprises. The FBI's experience in investigating ACEs nationally and internationally, the formation of historical and current intelligence bases, the formation and/or participation in domestic and international task

forces and/or working groups, recruitment and use of ethnic Asian agents and linguists, the use of the Enterprise Theory of Investigation, and Racksteer Influenced and Corrupt Organizations (RICO) statutes, enables the FBI to provide Federal and State/local coordination to target the significant organizations. The FBI has recently initiated several Vietnamese Criminal Enterprise investigations after FBI assistance was requested by local police authorities who indicated that the nature and scope of the criminal activity rendered them ineffective in dismantling the enterprises. This activity would continue to confront local police agencies, in many cases without the assistance of the FBI.

The FBI is maximizing its efforts on Dominican Criminal Enterprise (DCE) activity by integrating existing investigative resources in both the Organized Crime/Drug and Violent Crime/Major Offender Programs to address all aspects of DCE activity in a closely coordinated and comprehensive manner. The result of this approach has been an ability to achieve "more" with the same level of resources. However, the scope and magnitude of the escalating DCE threat require the enhancement of specific resources in key geographic locations to target, on a full-time basis, the command and control elements of the most significant DCE. A significant disruption of DCE activity can only be achieved through a multi-agency approach which enlists the support of local, State and other Federal agencies. In summary, the international and interstate aspects of these criminal enterprises require Federal leadership and assistance to attain any measurable impact on the key infrastructure of these organizations.

Since 1980, Congress has addressed the surge in international crime by extending Federal jurisdiction extraterritorially to protect United States citizens and interests. Many of these statutes specifically vest the FBI with primary investigative authority. To ensure the FBI fulfills its mission, it is crucial that agent personnel are assigned to strategic locations overseas to secure the full and prompt cooperation of foreign authorities so domestic FBI operations can effectively investigate Federal crimes. The FBI has developed its Legal Attache program to assist domestic operations with international investigations and to develop relationships with our law enforcement partners around the world. Over the years, experience has shown that the level of cooperation and trust required to obtain desired results in critical investigations depends upon close working relationships developed by Legal Attaches and their foreign counterparts. The FBI's Legal Attache program consists of 23 offices. The relationships developed by these employees have enabled the FBI to gather information from foreign law enforcement organizations to assist with the investigation of crimes in the United States. In addition, these relationships have furthered the ability of the FBI to extradite criminals and return them to the U.S. to face prosecution.

Profound changes in the world over the past five years have directly impacted the FBI's ability to address problems associated with organized crime. These changes include: the fall of communism in the Soviet-bloc; the development and growth of the Internet and world-wide communications; the development and extensive use of electronic banking; the ease of global transportation; the increased opportunity for corruption in emerging nation states; the increase in revenues associated with illegal drugs; and the availability of nuclear, chemical and biological weapons of mass destruction. These factors have contributed to the exponential growth and complexity of organized crime both domestically and internationally, severely straining current resource levels and forcing the FBI into a primarily "reactive only" mode of operation.

During the last quarter of 1996, there have been significant accomplishments within the OCE Program. These accomplishments encompass a myriad of emerging criminal enterprises. Additional resources are required to sustain this level of effort and enable the OCE program to further the investigative efforts. Some of the recent accomplishments are included within this submission to show the outcome of several years of investigative effort.

The Joint Federal Bureau of Investigation, Drug Enforcement Administration (DEA) Department of Justice Southwest Border Project (SWBP) has had a significant impact on the

four targeted Mexican Drug Trafficking Organizations (MDTOs) during 1996. In fact, the SWB Project has resulted in the disruption of the four target organizations and the dismantlement of several related secondary organizations. These organizations are: Amado Carrillo Fuentes Organization (ACFO); Arellano Felix Organization (AFO); Miguel Caro Quintero Organization (CQO); and the Juan Garcia Abrego Organization (JGAO).

In December of 1995, multiple Title IIIs along the Southwest Border were instituted targeting key command and control elements of three of the four target organizations, to include the Amado Carrillo Fuentes Organization, Arellano Felix Organization and the Juan Garcia Abrego Organization. The code name for this operation was known as "ZORRO II." In January 1996, the leader of the Gulf Coast Cartel and an FBI "Top Ten" fugitive, Juan Garcia Abrego, was arrested in Mexico and extradited to the United States. On October 16, 1996, Juan Garcia Abrego was convicted on 22 counts. On January 31, 1997, Abrego was sentenced. On 9 of 22 counts he received a life sentence, on 11 other counts he received 20 years each with all sentences to run concurrently. A fine of \$128,312,098 was imposed.

Through the use of cooperating witnesses, confidential informants, undercover operations, electronic surveillance and other traditional and non-traditional investigative techniques, FBI/DEA field offices along the Southwest Border continue to aggressively target the four MDTOs of the SWBP. In Dallas, through Title III coverage, informants and undercover agents, the FBI's investigation has resulted in the successful dismantling of several cells of the Jose Paz Garcia drug trafficking organization, which was directly tied to the ACFO. This enforcement action disrupted ACFO illegal drug transportation and distribution activities in Denver, El Paso and Dallas. The El Paso office arrested several members of the Amado Carrillo Fuentes organization operating in the Juarez/El Paso area. El Paso FBI/DEA have established a team to collect and evaluate all information concerning Carrillo Fuentes which will be used to support a Continuing Criminal Enterprise (CCE) indictment and prosecution of Carrillo Fuentes and principals of his organization. The FBI and DEA in Phoenix are presently targeting high level associates and family members of Amado Carrillo Fuentes. This investigation recently dismantled the Southern California marijuana distribution cell of the ACFO. Phoenix is also targeting several key cell leaders for the ACFO and have identified several corrupt Border and Customs inspectors allowing ACFO loads to cross through the various Ports of Entry along the Arizona/Mexico border. In addition to the Abrego indictment, Houston is pursuing a multi-count money laundering indictment of Mario Ruiz Massieu, the former Deputy Attorney General of Mexico. The San Diego office of FBI/DEA have formed a team to collect and evaluate all information concerning the AFO which will be used to support a CCE indictment and prosecution of the Arellano Felix brothers. In an investigation targeting AFO related corruption, several U.S. Border Inspectors from the U.S. Immigration and Naturalization Service and the U.S. Customs Service were recently convicted. This deprived the AFO from utilizing these well established contacts in key ports of entry.

Tampa initiated a two and one-half year task force investigation in December 1993 to investigate a violent Vietnamese Criminal Enterprise (VCE) that operated in Southern Florida, Houston, New York City and elsewhere. The VCE was composed of 12 Vietnamese males from Tampa, Atlanta, New Jersey and California. They specialized in violent home invasions, armed robberies of Asian restaurants and businesses, extortion and the collection of debts for the On Leong Tong. The VCE was responsible for at least one murder. Its robberies were well planned, utilizing detailed information from the community and surveillance of the businesses and businessmen targeted by the VCE. Victims were murdered, assaulted, threatened with weapons, and subdued with flex cuffs and duct tape. Pen registers utilized during the investigation reflected telephone calls by the subjects throughout the United States, Canada and Asia. In December 1994, 11 members of this VCE were indicted for extortion, murder and multiple RICO and Hobbs Act violations. Six pled guilty and five were convicted on all counts on March 1, 1996. The 12th individual pled guilty to a RICO information. On July 16, 1996, ten members of the enterprise received sentences ranging from 41 months to life plus 45 years. The Task Force investigation was conducted in conjunction with the Hillsborough County Sheriff's

Office.

In June 1995, the New York FBI indicted and arrested seven members of the Vyacheslav Kirillovich Ivankov Russian Organized Crime (ROC) group for violations of Interference with Commerce by Threats or Violence. Vyacheslav Kirillovich Ivankov was identified as the head of one of the largest ROC groups in Russia and reportedly in charge of Russian organized crime operations in the United States. On July 8, 1996, Vyacheslav Kirillovich Ivankov, Sergey Ilgner, and Vleriy Novak were found guilty on all counts to include extortion and conspiracy and Vladimir Topko was found guilty on one count of conspiracy in United States District Court, Eastern District of New York. All defendants were ordered held and sentencing will be scheduled at a later date. Ivankov's exposure in this matter is twenty years. This case marks the first time that the FBI and the MVD have jointly worked side-by-side on a criminal investigation. Two senior Russian MVD officers were assigned temporary duty to the New York FBI office to support this investigation. MVD officers assisted in analyzing evidence gathered during the investigation, arrest and post-arrest phases of the Ivankov investigation. This case also marks the first time the head of a ROC group has been brought to trial in the U.S., and convicted.

The GAMTAX investigation was the major focus of the Detroit office's organized crime program for over five years. This case targeted LCN collection of "street taxes" from illegal gambling operations, loansharking, extortion, and acts of violence used to support these activities. A Group II UCO and 20 Title IIIs were used in this case. This investigation was conducted from the summer of 1991 until March 1996. On March 13, 1996, a 25 count indictment was returned by a Federal Grand Jury, Eastern District of Michigan, charging the following "made" members with violations of RICO: Jack Tocco (Boss), Anthony J. Zerrilli (Underboss), Vito Giacalone (Capo), Anthony Giacalone (Capo), Anthony J. Tocco (Capo), Anthony J. Tocco (Capo), Nove Tocco (Soldier), Paul Corrado (Soldier), and Peter J. Corrado (Soldier). Also charged were LCN associates Peter A. Corrado, John Sciarrotta, John Jajosa, Norman Bagdasarian, Paul J. Tocco, Thomas Lenhard, and Frank Whitcher. The significance of this case lies in the fact that the Detroit LCN family has been indicted as a criminal enterprise. The entire hierarchy of the family, with the exception of one Capo, has been charged.

On June 10, 1996, a Grand Jury in the Southern District of New York indicted the Acting Boss, the Acting Underboss, the Consigliere, and 16 other members and associates of the Genovese LCN Family on racketeering charges. The act of racketeering included murder, extortion, labor racketeering, gambling, loansharking, money laundering, the fraudulent operation of the Feast of San Gennaro, obstruction of justice and tax evasion. Liborio Bellomo, the Acting Boss; Michelle Genovese, the Acting Underboss; and James Ida, the Consigliere, make up the administration of the country's most powerful LCN Family. Other defendants arrested were Nicholas Frustaci, an acting Capo; and Thomas Cestaro and Colombo Saggese, both powerful Genovese soldiers. The indictment charges 12 of the defendants with 31 separate acts of racketeering committed on behalf of and in furtherance of the criminal activities of the Genovese Family. These charged acts include the murder of Antonio "Hickey" DiIorenzo, a former Genovese soldier allegedly killed because he was suspected of being an informant, and the murder of Ralph Desimone. The indictment also charges a separate conspiracy to murder two additional targeted victims and a solicitation to murder. Other racketeering acts charged included extortion, gambling, loansharking, money laundering, and labor racketeering. The indictment also seeks forfeiture to the United States of numerous assets of the defendants including approximately \$20 million representing the proceeds of the charged acts of racketeering, property, a boat, numerous bank accounts belonging to the defendants and approximately \$115,000 in cash seized from safe deposit boxes maintained by Cestaro.

The NICHOLAS COROZZO case was a two-year investigation of the racketeering activities of the South Florida faction of the Gambino LCN Family. This faction was controlled and directed by Gambino Family Capo NICHOLAS COROZZO. COROZZO'S South Florida crew was involved in loansharking, credit card fraud, trafficking in stolen property

and untaxed cigarettes. This investigation utilized the services of a cooperating witness and court-authorized electronic surveillance. On December 10, 1996, a Federal Grand Jury in Fort Lauderdale returned an indictment charging COROZZO, Acting Capo Lenny DiMaria, and seven others with RICO and conspiracy to murder the FBI's cooperating witness. At the time of his indictment, COROZZO was perhaps the most powerful member of the Gambino Family. Following John Gotti's conviction, COROZZO and two other Capos were appointed to serve as a three-man ruling commission for the Family. Following the denial of Gotti's appeals and the dissatisfaction with John Gotti, Jr.'s performance as acting Boss, the heads of the other New York Families were allegedly trying to arrange the elevation of COROZZO to Boss of the Gambino Family.

On October 11, 1996, a Nigerian Criminal Enterprise (NCE) Task Force representing the FBI, DEA, INS, U.S. Secret Service, U.S. Customs Service and local police agencies in Boston, Chicago, Minneapolis, New York, Detroit, Pakistan, and Bangkok executed numerous search warrants and arrested 34 subjects pursuant to complaints charging Distribution of and Possession with Intent to Distribute Heroin; Importation of Heroin; Conspiracy to Import Heroin; Money Laundering; Conspiracy to Commit Money Laundering; and Use of a Communications Facility. This joint investigation focused on a Nigerian heroin trafficking organization operating in Chicago, Illinois. This NCE smuggled multi-kilogram quantities of Southeast Asia heroin from Thailand through Europe and Mexico to Chicago, Illinois, where it is distributed throughout the United States. The investigation utilized several court-authorized Title IIIs, which resulted in the identification of various smuggling methods and routes used by couriers. On November 26, 1996, an additional eight subjects were arrested based on follow-up investigations.

LONG-RANGE GOAL: To reduce the influence of significant organized crime groups operating within the United States and prevent such groups currently not operating within the United States from establishing a presence here.

MAJOR OBJECTIVES:

- To penetrate the hierarchy of targeted OC groups.
- To identify the structure and membership of targeted groups to determine complicity and extent of interrelationships among other crime groups.
- To develop successful prosecutions for specific Federal violations, emphasizing the use of the Racketeer Influenced Corrupt Organizations (RICO) and the Continuing Criminal Enterprise (CCE) statutes.
- To disrupt and dismantle networks involved in the violation of Title 18 and Title 21 of the U.S. Code.
- To significantly reduce the wealth of the organized crime groups by using money laundering statutes to seize ill-gotten assets for eventual forfeiture.
- To expand existing liaison with appropriate domestic and international organizations and agencies to support the FBI's increased commitment to reducing the OC presence in the U.S.

PROGRAM INCREASES:

For 1998, the Organized Criminal Enterprises decision unit proposes program increases of 191 positions (107 agent), 96 workyears, and \$35,026,000 for several key FBI initiatives including: International Law Enforcement, La Cosa Nostra, and Southwest Border. These program increases include 34 positions (23 agents), 17 workyears and \$14,330,000 for Legal Attache expansion; 6 agents, 3 workyears and \$2,546,000 for implementation of the Office of Investigative Policies, Resolution Number Six; 47 positions (28 agent), 24 workyears and \$5,000,000 for LCN investigations; and 104 positions (50 agents), 52 workyears and \$13,150,000 for continuation of the Southwest Border initiative. An increase of \$2,000,000 is requested for National Backstopping in the Violent Crime Reduction Program.

Initiative: La Cosa Nostra (LCN)

Item: Field Investigations - 47 Pos., (28 agents), 24 FTE, \$5,000,000

The LCN OCE initiative includes a total of 28 field agent and 19 support positions and \$5,000,000 to enhance investigative resources addressing this significant organized criminal threat to American society.

A critical point has been reached in the FBI's commitment to eliminate the LCN as a significant threat to American society. Despite the successes discussed above, the LCN remains the most powerful and dangerous organized criminal enterprise in the United States. The FBI's LCN intelligence base, significantly enhanced and broadened by cooperating witnesses' information and testimony, can provide the basis for numerous Federal prosecutions and related civil and criminal forfeitures. However, the utility of this information and the availability of our cooperating witnesses cannot be viewed as permanent resources. The FBI must move forward in a timely manner if we are to take full advantage of these significant, but temporary, investigative opportunities.

Operation Heaven's Gate, the FBI's national LCN initiative, is designed to ensure that these investigative opportunities would be aggressively pursued. Operation Heaven's Gate represents a five-year strategic plan to reduce the LCN's influence in designated labor unions and related industries; to reduce the membership and national influence of the country's two most powerful LCN Families, i.e., the Gambino and Genovese Families; to reduce the membership of all LCN Families by 25 percent; and to reduce LCN wealth through the aggressive use of asset forfeiture.

Labor racketeering is the LCN's most fundamental source of national power and influence. The LCN continues to control major labor unions and exert influence over a number of related trades to include the Carling, Construction, Convention Center, Legalized Gaming, Garment, and Maritime Industries. This influence manifests itself in a variety of criminal activities including extortion, equipment and machinery theft, the peddling of payrolls with no-show and ghost employees, bribery, and union-related violence. These activities contribute to the corruption of union democracy, a less competitive labor market, higher labor/construction costs, higher crime rates, and a loss of security on the part of the citizenry.

Despite FBI successes against the LCN, less than ten percent of identified LCN members are currently incarcerated. Approximately 600 LCN members are criminally active in New York alone. When one factors in the estimated association of ten non-member criminal associates for each LCN member, the magnitude of the problem posed by the LCN takes on an even more compelling dimension. Reliable source information also indicates that the five New York Families have recently inducted or plan to induct more than 70 new members. Similar intelligence indicates that other LCN Families throughout the country which, at one time were seriously damaged by successful prosecutions, are beginning to rebuild their criminal enterprises.

The LCN's reliance on violence to further its illegal activities continues without abatement. The development of 14 high-level LCN members as cooperating witnesses provided an unprecedented view of the inner workings and operations of the LCN and has produced evidence of more than 200 LCN-related murders. For example, beginning in June 1991, the Colombo LCN Family in New York divided into two factions during an intra family war. Overall, the war resulted in the murders of 11 Colombo Family members/associates and the wounding of 13 others, including two innocent bystanders. The FBI investigation of this war was responsible for the development of 14 cooperating witnesses, 30 convictions, 75 arrests, and the solution of 47 murders. This war highlighted the complete disregard the LCN has for the lives of its own members and, more importantly, the lives of law-abiding citizens. More than 150 LCN-related murders in New York remain unaddressed or under addressed due to the volume of the information and the shortage of personnel to address these important matters.

One of the goals established for Operation Heaven's Gate is the reduction of the active membership of all LCN Families by 25 percent. The more ambitious goal of totally eliminating the LCN as a criminal threat during the five-year term of Heaven's Gate would be unrealistic. While total elimination is deemed unattainable during the next five years, a twenty-five percent reduction will represent a significant accomplishment. First, the FBI's practice of targeting ranking members of LCN Families would ensure that a significant number of LCN Bosses, Underbosses, Consigliere, and Capos would be incapacitated through incarceration. The loss of senior family members would force less experienced leaders to assume control of the Families. Second, based on recent experience, a number of these members will elect to cooperate with the FBI rather than face lengthy periods of incarceration. Such cooperation would then lead to the initiation of additional investigations and prosecutions, thus further reducing active LCN membership. Finally, successful prosecutions of LCN members would ultimately reduce the incentive for associates to aspire to LCN membership.

Investigations of racketeering activities within the designated unions and the LCN corruption of related industries are complex and labor intensive. Such investigations, however, are essential to the success of Heaven's Gate. Control of labor unions and related industries is the LCN's most fundamental source of national power and influence. These investigations would be conducted in addition to traditional LCN enterprise cases. The initiative also mandates the use of asset forfeiture in all appropriate cases. This usage would further increase the workload of LCN squads.

In 1995, LCN investigations utilized 406 agents. Heaven's Gate was officially implemented during the second quarter of 1996. The number of Agent personnel dedicated to LCN investigations rose to 445 in 1996. Based upon the resource intensive nature of labor racketeering cases, the renewed emphasis being placed on asset forfeiture, the 150 uninvolved LCN murders in New York, and the volume of unaddressed work generated by the cooperating witnesses (each of which must be addressed pursuant to Heaven's Gate) an additional 28 Agents are requested to adequately address this crime problem.

Successful implementation of the Heaven's Gate plan will reduce LCN membership by 25 percent and significantly reduce their wealth and influence in three organized labor unions in six industries. The intelligence information anticipated will be invaluable for making additional in-roads against the LCN and other organized criminal enterprises. These accomplishments should have far reaching impacts, from increasing competition in the labor market, to lowering the cost of labor and reducing the associated violent crimes, to reducing the amount of public corruption in the targeted areas, all of which should contribute to an increase in public safety.

Since the inception of Operation Heaven's Gate on March 6, 1996, the accomplishments of this initiative have been substantial. The following examples illustrate the quality of the initiative's accomplishments. The first seven months of Heaven's Gate saw the indictment or conviction of 4 LCN Bosses, 3 Underbosses, 3 Consigliers, 26 Capos, 25 Soldiers, and 168 LCN Associates. The number of agent personnel dedicated to LCN investigations rose from 406 in 1993 to 443 in 1996. In the area of asset forfeiture, Heavens Gate offices seized assets worth \$113,304,063. during this seven month period.

Item: Southwest Border Investigations - 104 Pos., (50 agents) 52 FTE, \$10,650,000

Southwest Border cases focus on key Mexican Criminal Enterprises (MCEs) command, control and communications elements. As a result, investigations necessarily rely heavily upon sophisticated investigative techniques such as Title III interceptions. The additional 50 agents and 54 support positions would be directed toward disrupting and/or dismantling MCEs to a level commensurate with the activity and threat level posed by the MCE. These resources would be used to form new squads and to augment existing ones. These squads would continue to use a variety of sophisticated investigative techniques, long term undercover operations, coordinated investigation with Mexican law enforcement counterparts through Bi-national Task Forces, and operation of highly placed Criminal Informants (CI) and Cooperating Witnesses (CW) in order to achieve measurable results.

Current investigative efforts require substantial commitments from limited resources, which results in significant investigative activity being unaddressed. Specifically, field offices are experiencing an inability to fully staff Title III monitoring of significant organization members, translate and analyze the information intercepted, and conduct physical surveillance to corroborate activity identified by interception and CW information. Field offices have also reported instances of having identified drug loads in semi-trailer load amounts through Title III intercepted conversations, however, due to insufficient staffing levels, they lacked the resources to surveil and seize these shipments.

Title III monitoring, coupled with CW information and reports from other Federal agencies with Southwest Border drug enforcement authority, has shown that despite the significant emphasis and resources already placed on these investigations, those current resources are inadequate. Agents have been unable to focus on all illegal activity of those four MCEs currently targeted, and secondary organizations directly supporting core organizations have not been adequately pursued. Nevertheless, even with this shortfall, FBI/DEA success under the strategy has been demonstrated by the significant impact already made. The additional resources would enable the FBI and DEA to more fully address the MCE crime problem and allow the FBI and DEA to continue providing the high level of coordination and leadership required for the success of the Southwest Border initiative.

Mexican Criminal Enterprises (MCEs) present an increasing threat to the United States due to the volume of drugs they transport, the violent crimes they perpetrate in furthering their drug trafficking, and the corruption of public officials they foster on both sides of the border in order to ensure the drugs arrive safely in this country.

Mexico is used by Colombian cartels as a staging or transshipment area for cocaine bound for the United States. MC's then transport drug loads, often in multi-ton quantities, across the U.S./Mexican border. Using semi-trailer trucks and aircraft, the organizations take one-half of each load in payment and deliver the remainder to Colombian groups in the United States for distribution. The MC's then distribute their share of each load of drugs throughout the United States themselves and by using the secondary groups associated with them. This relationship has resulted in unprecedented wealth and power among MC's in the international drug trafficking business. With this rise in strength has come a similar rise in violence and influence, with four major Mexican organizations now controlling an estimated seventy percent of cocaine importation into the United States.

Cine MC's also promote corruption through intimidation and violence in order to further their trafficking activities. They provide substantial monetary support to preferred political candidates in order to ensure uninterrupted operations in Mexico. Additionally, bribery of law enforcement officials on both sides of the border is commonplace, resulting in tons of cocaine, heroin, marijuana and precursor chemicals used in the production of methamphetamine to enter the United States undetected. FBI intelligence has identified prolific drug trafficking and public corruption occurring along the United States and Mexico border. The identified corruption involves principally major Mexican Drug Trafficking Organizations (MDTOs) and Federal law enforcement officials charged with the responsibility of preventing the flow of drugs across the border.

For 1997, SO agent positions were received to more fully address the other criminal enterprise activity of the Cine MC's, such as transportation and money laundering activities. The additional SO agent positions in this request would target additional cine and major secondary MC's, which investigations have not been able to pursue.

Item: Southwest Border Special Operations Division (SOB) - \$2,500,000

The SOB is a joint FBI/DIA operation located in Newington, Virginia. SOB's primary function is to support and enhance Joint FBI/DIA's A major drug investigations by providing operational intelligence. The Southwest Border Project (SWBP) was established to disrupt and dismantle major Mexican Criminal Enterprises responsible for 70 percent of cocaine imported into the United States through the southwest border region. The Southwest Border Project has been very successful in conducting significant investigations to combat illegal activity in the southwest border area. The SOB coordinates all SWBP investigations and provides operational intelligence to enhance investigations and is integral to the success of the SWBP. The FBI's portion of the SOB funding requirement for 1998 is \$2,500,000. As the SOB operation has expanded, the costs for each agency are also expanding. The FBI's reimbursement to DIA is based on percentage of staffing at the SOB. The FBI represents 25 percent of the staff at SOB. The 1998 request of \$2,500,000 is based on the 1997 estimated costs. The request would provide travel funds (\$275,000), equipment (\$772,000) and contract linguist funding (\$1,453,000). The program support costs include funds for Title III seminars to insure that all field offices are provided the training needed to successfully obtain and implement Title III authority, travel funds for case management/strategy meetings with national and international law enforcement counterparts to insure investigative strategies and prosecutive coordination is insured, and costs associated with data capacity, technical supplies, and the 1252 digital transcription system. Additional funds will be required to process work generated by the expanded data capacity that will be implemented during 1997. The expanded data capacity, along with the new telephone debit card surveillance system, will increase the workload of the contract linguists.

Initiative: International Law Enforcement

Item: Legal Attache Expansion - 34 Pos. (23 agents), 17 FTE, \$14,330,000

Anticipated Outcomes: The Legal Attache program contributes to the creation of a world-wide web of law enforcement relationships that can work together to stem the rising tide of international crime and terrorism. The Legal Attache program specifically enables the FBI to establish and foster strong working relationships with our foreign police counterparts. These relationships increase the FBI's ability to acquire information and assistance on increasingly complex crimes. No longer do criminals solely perpetrate crimes in their country of origin, they often cross borders and even continents to effectuate complex crimes. In addition, the ability of terrorist groups to orchestrate events may occur in many different countries. Our working relationships with other law enforcement organizations enhances our ability to investigate and prevent these types of crimes from occurring.

An increase of 23 agent and 11 support positions and \$14,330,000 is requested to open eight new Legal Attache offices and enhance eight existing Legal Attache offices during 1998. Total staffing needs for this proposal are 23 agents and 12 support personnel; however, reallocations of personnel from existing offices reduce the needed positions.

The FBI, with concurrence from the Department of State and the Central Intelligence Agency, submitted a Legal Attache expansion plan to the Congress on June 5, 1996. This four-year plan (1996 - 1999) proposed doubling the existing Legal Attache program. We have proposed adding a total of 23 offices, 53 (or 59) agents, and 25 support personnel to the current program. The FBI's 1998 request reflects this proposal and proposes implementation of the third year of the plan.

In formulating this strategy, the FBI relied on semi-annual reports that are prepared by the Legal Attaches which document their caseloads, regional travel and personnel requirements. Based on these reports, the FBI identified areas of weakness by comparing trends in international crime with current capabilities to respond to international investigative demands. In addition, the FBI evaluated the amount of time Legal Attaches spend traveling to the farther reaches of their territorial assignments and the number of leads and the types of cases to which they respond. When appropriate, additional personnel have been requested to the existing staff to reduce the strain being placed upon current operations. In other instances, we have recommended the opening of a new office.

While the FBI has recommended regional coverage by Legal Attache offices, we are limited by the desire of the host country and its Ambassador. When proposing to open a new office, the FBI does not know an office's permissible coverage area until completion of the National Security Decision Directive (NSDD) 38 process. This process requires the FBI to submit a written justification for the office to the Department of State. The Department of State then forwards the package to the respective Ambassadors for review and approval. Through this process, the Department of State and the FBI conduct a series of negotiations until all terms of the opening are agreed upon.

Of the new offices we are proposing to open in 1998, three offices are considered "provisional" offices. These offices would operate without the standard FBI communications equipment, instead using secure telephones and fax machines to communicate with nearby Legal Attache offices that have full communications capabilities. Installation of FBI communications equipment, with access to classified data bases and direct links to all FBI field offices, entails expensive structural modifications even within the controlled access area of an Embassy. By not installing this equipment, the FBI would be able to open these offices at a considerable savings. Although we do not have any provisional offices operating at this time, we have had TIDY personnel overseas who have had to operate under similar circumstances. Therefore, we believe that these offices will be successful. The

FBI currently plans to open two provisional offices in 1997, followed by three more in 1998.

Proposed locations for the establishment of new Legal Attache offices are: Brasilia, Brazil; Prague, Czech Republic; Copenhagen, Denmark; Almaty, Kazakhstan; Seoul, Korea; Lagos, Nigeria; Ankara, Turkey; and Tashkent, Uzbekistan. These proposed offices would each be staffed by two agents and one support employee. In the case of Brasilia, we plan to transfer one agent and one support position from the Legal Attache office in Montevideo. To ensure existing Legal Attache offices are able to provide adequate levels of support to domestic field offices on major case investigations, we propose adding an additional agent to the following offices: Bogota, Colombia; Mexico City and Monterrey, Mexico; Moscow, Russia; Madrid, Spain; and Bangkok, Thailand. In Vienna, Austria, the caseload is such that we propose adding two agents. In addition, we plan to transfer one agent from Rome to establish a sub-office in Milan. To assist the day-to-day operations of existing offices, we propose adding an additional office assistant to Vienna, Austria; Mexico City, Mexico; and Bangkok, Thailand; and an Intelligence Analyst to Mexico City, Mexico.

The requested personnel for the implementation of this plan fall into four categories: Legal Attaches, Assistant Legal Attaches, Office Assistants, and an Intelligence Analyst. In new offices, the FBI estimated the agent costs for a GS-15 Legal Attache; additional agents were coded as GS-14 Assistant Legal Attaches. In addition, the support staff for all the offices were GS-10 office assistants. The one exception to this rule is in Mexico City, where a GS-12 Intelligence Analyst is proposed to directly assist investigations.

New Offices

Brasilia, Brazil

To pursue effective, long-range investigations into organized criminal activity in Brazil, the FBI must establish direct, full-time links with Brazilian police. Organized crime involving Asian, Italian and Colombian groups have taken advantage of a growing Brazilian economy and relatively weak federal controls to establish themselves within the country. Italian organized crime groups have operated actively in Brazil for many years, but the FBI's distance from Brazil has hampered the ability to carry out the kind of sustained, cooperative investigations that have been so successful for the FBI in Italy. In addition, suspected members of terrorist groups linked to the United States are located in the tri-border area of Argentina, Brazil, and Paraguay. False immigration documents from the U.S. have been intercepted en route to this region. The FBI and Brazilian police are also examining major international financial crimes that cost millions of dollars in losses to both U.S. and Brazilian citizens.

Authorities in Brazil, including the Director General of the Brazilian Federal Police, have expressed their desire for expanded contacts with the FBI to counter these serious criminal threats. The FBI concurs with the Director General and proposes to establish a permanent presence in Brazil to expand our working relationship with Brazilian law enforcement authorities. Workload generated in Brazil is currently covered by periodic visits from Legat Montevideo. The FBI proposes the reallocation of one agent and one support position from Legat Montevideo's existing personnel complement and enhancement of one agent position in addition to nonpersonnel resources to establish a new Legal Attache office in Brazil.

Prague, Czech Republic

The Czech Republic has become a haven for international fraud as a result of its rapid privatization and entrance into the international banking community. Organized crime, tax

fraud and white-collar crime are also increasing rapidly in this nation. Several Russian organized crime groups are moving into the Czech Republic, and reportedly Russian and Italian crime figures have met in Prague to discuss the division of territory among them. Additionally, the Czech Republic lies on the "Balkan route" for transporting narcotics into western Europe and is also used for international drug trafficking.

President Havel, the Interior Minister, and Prime Minister Vaclav Klaus have expressed their support for opening a Legal Attache office. At the World Economic Forum in Switzerland, Prime Minister Klaus reiterated to the FBI the Czech Republic government's desire for closer ties with the FBI and stressed the urgency of a joint FBI-Czech law enforcement effort to address these problems. The FBI proposes establishing a provisional office in Prague to cover the Czech Republic, Slovak Republic, Romania, and Moldova. This office, to be staffed by two agents and one support person, would receive technical support from the Legal Attache office in Bern, Switzerland.

Copenhagen, Denmark

The FBI currently covers leads in Scandinavia through monthly visits from its London Legal Attache office. While this relationship was adequate in the past, the dissolution of the former Soviet Union and the resulting explosion of Russian organized crime have strained our ability to keep pace with the need for timely information. Police in Scandinavia form the first line of defense against Russian crime and terrorist organizations that seek to use this area as a route to Western Europe and the U.S. Opening an office will ensure that our police colleagues in Scandinavia have the data they require to identify organized crime members. At the same time, liaison with these authorities will supply us with details about the compositions and activities of groups in which the U.S. has an interest. Therefore, we propose the establishment of a Legal Attache office staffed by two agents and one support employee in the region.

In addition to their concerns about Russian organized crime, the Danish and Swedish Commissioners of Police have expressed concern to Director Freeth about rising levels of violence associated with motorcycle gangs that originate in the United States. The FBI's organized crime program can benefit from the information provided by the Scandinavian police and assist them as they investigate the gangs' illegal activities. In turn, the information we receive will help U.S. law enforcement investigations of these groups.

The FBI selected Copenhagen as the site for a Legal Attache office in part because of the support for our presence by Ambassador Elson. He has already approved our request to open a regional office in Copenhagen, which was submitted to him last year. Ambassador Elson has emphasized the importance he attaches to having an FBI office in the region, and particularly in Denmark. The office in Copenhagen would assume responsibility for Denmark, Sweden, Finland, Norway, and Iceland.

Almaty, Kazakhstan

Two agents and one support employee are required to establish a provisional Legal Attache office in Almaty, Kazakhstan. This office, along with one proposed in Tashkent, Uzbekistan, will cover the Central Asian Republics. Technical support would be provided through the Legal Attache office in Bonn, Germany. Central Asia is a pivotal region of major economic and strategic significance for the United States. Kazakhstan not only shares a border with Iran, but it also has a nuclear testing range as well as a space launching facility. Major law enforcement problems identified in Kazakhstan are organized crime, money laundering, drug trafficking, and terrorism. Maintaining stability in this region, in which United States businesses have a sizeable investment, will depend on the capacity of the government to control crime and maintain political stability. The FBI is currently assisting Kazakh officials as they establish their domestic law enforcement infrastructure. We have also offered training and technical assistance to Kazakh police through our

international training programs. Establishing an FBI presence in Almaty will further strengthen this relationship. In addition, Kazakhstan's President Nazarbayev personally extended an invitation to establish this office to Director Fretz in February 1996.

Seoul, Korea

Korean criminal organizations responsible for extortion, gambling, prostitution, narcotics, and labor racketeering have ties with groups that commit similar offenses in the United States. FBI investigative matters in Korea are currently covered by the Legal Attache office in Tokyo, Japan, through monthly visits; however, these visits are not sufficient to establish regular working relationships with our Korean law enforcement counterparts. Korean officials recently agreed to participate with the FBI in a working group on organized crime, and the Korean government has signed a Mutual Legal Assistance Treaty with the United States. Korea's participation in this treaty in conjunction with the implementation of money laundering and forfeiture statutes will enhance the FBI's ability to operate more effectively. To achieve the full benefit of this agreement and statutes, an official FBI presence is proposed as part of a comprehensive plan to upgrade our responsiveness to crime that affects Americans throughout Asia and the Pacific Rim. We have proposed establishing a fully operational office staffed by two agents and one support employee to continue this burgeoning relationship. This office received prior approval through the NSDD-38 process limiting its coverage to Korea; however, we must amend this request to reflect our Legal Attache expansion proposal.

Lagos, Nigeria

Nigerian Criminal Enterprises (NCE) are responsible for a variety of fraudulent schemes, including advance fees, credit card, bank, insurance, and student loan frauds. Many of the NCE's victims have been United States citizens, with overall worldwide losses ranging in the hundreds of millions of dollars. NCEs have also established contact with organized crime groups in Europe and Asia, forming temporary alliances that are linked with drug importation, distribution, and money laundering.

Nigeria's National Drug Law Enforcement Agency (NDLEA) has cooperated in the arrest and extradition of persons charged with drug crimes in the United States, including two FBI fugitives. The DEA and FBI have established a joint task force with the NDLEA to identify and dismantle NCEs that most seriously affect United States interests. The establishment of an FBI office in Lagos, Nigeria, staffed by two agents and one support employee, would assist the FBI's efforts to prevent the escalation of NCE activities in the United States. The FBI previously received NSDD-38 approval for the addition of one agent in Nigeria limited to in-country work; however, we will be amending this request to conform with our Legal Attache expansion plan.

Tashkent, Uzbekistan

Uzbekistan President Islam Karimov has requested the FBI open a Legal Attache office in Tashkent in an effort to confront terrorism in Central Asia. Uzbekistan law enforcement agencies are battling terrorists, efforts to infiltrate Uzbekistan's nuclear studies program, and drug smugglers. Based upon the strategic location of Uzbekistan along with the natural resources it possesses, the FBI believes a permanent presence is warranted. Under the current program, the FBI cannot cover this region adequately and offer, as well as receive, appropriate investigative assistance from Uzbekistan officials on nuclear smuggling or other terrorist activities. Therefore, the FBI proposes establishing a provisional Legal Attache office staffed by two agents and one support employee. This office, along with one in Kazakhstan, will give the FBI two offices from which to cover the Central Asian Republics. The Legal Attache office in Bonn, Germany, will provide technical support for Tashkent.

Ankara, Turkey

The FBI proposes opening a Legal Attache office in Ankara, Turkey, to reduce the number of countries currently covered by the Legal Attache office in Athens, Greece, and to improve the FBI's overall working relationship with Turkish officials. The FBI currently maintains a good working relationship with the Turkish National Police (TNP) and the Istanbul Police Department; however, many investigative matters must be addressed by facsimile instead of through regularly scheduled liaison visits. To date, the TNP has provided the FBI with invaluable information concerning Turkish/Greek terrorist activities in the region. In addition, the FBI has periodically sent temporary duty personnel to Turkey to work with Turkish authorities on counterterrorism matters. The FBI believes a full-time FBI office staffed by two agents and one support person in Ankara would facilitate even greater cooperation with Turkish authorities. We also anticipate covering Georgia, Armenia, and Azerbaijan through this office.

Enhancements to Existing Offices

Vienna, Austria

An increase of two agents and one support employee is requested for the Legal Attache office in Vienna, Austria. Austria's central location provides Eurasian criminals with a base location to carry out operations in Western Europe and the United States. FBI personnel in Vienna work closely with Austrian law enforcement officials to identify organized criminal groups whose activities adversely affect United States interests. In addition to Austria, the office is currently responsible for developing cooperative relationships with police officials in Hungary, the Slovak Republic, Slovenia, Moldova, Croatia, Macedonia, and Albania. The office also coordinates FBI training in these countries and provides administrative support to the agent stationed at the International Law Enforcement Academy in Budapest. To alleviate the burden on the existing staff of two agents and one support employee, additional personnel are being requested. Although the opening of the proposed office in the Czech Republic will reduce Vienna's territory, the current workload still warrants the addition of staff.

Bogota, Colombia

An increase of one agent is requested to supplement staff levels at the Legal Attache office in Bogota which is currently staffed by four agents and two support employees. Although the DEA maintains a substantial presence in Colombia and is the lead agency for all drug cases, the cartel and the criminal community that caters to them are also involved in many non-drug violations which fall within the FBI's jurisdiction. The most significant FBI problem in Colombia is the kidnapping of United States citizens who are often held for ransom by organized criminals. During the past year, the Bogota office required temporary duty assistance for a total of 320 days to assist with kidnapping investigations. The growing number of investigative matters and the need for liaison and investigative support in both Colombia and Ecuador have placed greater demands on the existing Legat staff. To address these requirements and effectively deal with the entrenched criminal syndicates operating in this region, one additional agent is requested.

Milan, Italy

For several years, the FBI and Italian authorities have forged a close and effective partnership in the struggle against Italian organized crime. Although much of the work in Italy is centered around Rome, the FBI expends a substantial amount of time and resources to work on criminal matters in Milan, Italy's financial and business center. Currently, personnel from the office in Rome regularly travel to Milan. To address the amount of criminal matters generated in this area, the FBI proposes reallocating one agent position from the Legat Attache office in Rome to the American Consulate in Milan. By opening a sub-office in Milan, the FBI can improve its efficiency and establish a direct link with Italian

investigators based in Milan.

Mexico City and Monterrey, Mexico

American law enforcement agencies, under the leadership of the Attorney General and the United States Ambassador to Mexico, and with the cooperation of the Mexican government and border states, have developed a complex, multi-dimensional response to the challenge of crime. To implement this plan, two agents and two support employees are required to supplement the existing complement of eight agents and five support employees. The Legal Attache's main priorities are fugitives and organized crime. The Legal Attache also actively participates in the Southwest Border Initiative. Of the additional four positions, one agent is needed to coordinate with DEA and Mexican authorities on FBI organized crime matters involving drug trafficking; one additional agent is needed for the Monterey Sub-office to focus on organized crime in Chihuahua and its involvement in vehicle theft, drug trafficking, fugitives, and kidnapping; an Office Assistant is needed to support Legal operations; and one Intelligence Research Specialist, fluent in Spanish, is needed to analyze information about Mexican trafficking organizations. These additional personnel have received the approval and support of the Ambassador and the Department of State.

Moscow, Russia

Opened in 1994, the Legal Attache office in Moscow is currently staffed with two agents and two support employees. At present, the existing agent complement is working twelve hours daily, sometimes six and seven days a week, to address a caseload exceeding over 200 investigative matters. Since the Moscow office was opened, domestic FBI officers across the country are requesting an ever increasing amount of information and assistance. Additional agents are urgently needed. The FBI proposes adding an additional agent in 1998 to work with Russian law enforcement authorities on violations of United States law, to assist the Russians with their investigations of international criminal groups, and to assist with large training programs for Russia. Without an increase in personnel, the FBI could lose the credibility necessary to maintain an effective relationship with its Russian counterparts.

Madrid, Spain

An increase of one additional agent is requested for Legat Madrid which is currently staffed by one agent and one support employee. This office handles all FBI liaison and investigative matters in Spain, Portugal, Andorra, Gibraltar, and both Portuguese and Spanish speaking African countries. At present, all matters in Portugal are being handled by the office through irregular visits, while investigative matters in Andorra, Gibraltar, and Africa are being handled by exchange of telephone and written communications.

The workload in Madrid has escalated steadily since the office reopened in 1993. The lack of sufficient personnel has forced the staff to work 14 hour days on a regular basis. During 1994 and 1995, temporary duty agents regularly assisted the Legal Attache or replaced him during required absences. The shortage of staff has limited the FBI's ability to extend and improve liaison outside of Spain. The Ambassador has previously approved the addition of this agent

Bangkok, Thailand

The Legal Attache office in Bangkok is responsible for a vast area of countries that include Bangladesh, Brunei, Indonesia, Malaysia, Myanmar, Pakistan, Singapore, Thailand, and Vietnam. The Legal Attache office in Bangkok is currently staffed by one agent and one support employee and was supplemented with a series of temporary duty agents during 1994 and 1995. Although the FBI is proposing to open an office in Pakistan during 1996, this office would be limited to covering Pakistan. The amount of territories Bangkok would still be required to cover is excessive for only one agent. Many of the investigations handled by Bangkok are sensitive and volatile, often involving terrorism, fugitive, organized crime, and white-collar crime matters. The increase of one additional agent would make this office's workload more manageable and reduce the need for continuous temporary duty personnel. It would also enable the FBI to devote more time to developing working relationships with his law enforcement counterparts.

Cost Estimates

Costs to open Legal Attache offices are divided into four categories: personnel, opening, housing, and International Cooperative Administrative Support Services (ICASS) costs. While the FBI can determine the opening and personnel costs quite well, ICASS and housing costs are difficult to assess. Housing costs fluctuate depending upon foreign real estate markets and the value of the U.S. dollar. The housing estimates for each office are based upon current lease figures supplied by the Department of State. Because ICASS has not been fully implemented, estimates are difficult to project. Current estimates were developed by dividing the 1996 estimate (\$1,687,547) for foreign affairs administrative support (FAAS) by the 23 offices to get an average figure.

Opening costs include costs to purchase office equipment, appliances, supplies, the construction of office space, and the installation of communications. While the costs for office equipment, supplies and appliances are similar for most of the offices, the construction of office space and installation of communications varies. Each office was allocated \$1,000 to purchase start-up supplies. In addition, \$4,550 was allotted for appliances for each employee. Office equipment costs varied by the type of office (fully operational, sub-office, provisional, or an employee enhancement) and the threat level assigned to it by the Department of State.

The primary factor influencing opening costs for the establishment of new Legal Attache offices is the technical threat level posed by foreign intelligence services within the country of location and the office space assigned to the FBI. The Department of State's Diplomatic Security Service measures the technical threat levels in four categories: low, medium, high, and critical. The ability to communicate with FBI Headquarters and domestic field offices and to access FBI database applications such as the Organized Crime Information System is a major contributing factor to the success of the FBI abroad. All FBI Legal Attache offices operate at the secret level and are located in the controlled access area of embassies, and the FBI must ensure that there is appropriate physical protection of equipment and documents. This protection would be of primary concern at all locations designated as either critical or high technical threat posts by the DOS's Diplomatic Security Service. Consequently, the higher levels of technical threat require more funds for construction than the lower leveled posts.

Item: Office of Investigative Agency Policies (Resolution Six) - 6 Pos. (6 agents), 3 FTE, \$7,546,000

An increase of six agent positions is requested to assign FBI agents to the DEA Country Attache office in Mexico under the auspices of DIAP Resolution Six. On May 24, 1994, the Director of the FBI, in his capacity as the Director of the OJAP, issued this resolution calling for the coordination of foreign drug investigations. Through this resolution, the

FBI has agreed to assign criminal investigative personnel to certain Drug Enforcement Administration (DEA) overseas offices. FBI personnel assigned to the DEA Country Attache offices would respond to requests for drug investigative activity from domestic FBI offices; would assist the DEA Country Attache in DEA drug investigations as assigned; and would not perform investigations under the purview of the FBI Legal Attache office, except on an emergency basis as authorized by FBI Headquarters in conjunction with DEA Headquarters. Consequently, the FBI does not have to establish a new office for these personnel; however, we must still provide housing and meet other basic necessities for the agents. Despite efforts by the Department of State to reduce staffing levels at post, the Ambassador to Mexico fully supports the increase of FBI agents to the DEA office since approximately 70 percent of the drugs entering the United States transit through or are grown in Mexico. The FBI proposes assigning two agents to Mexico City and one agent each to Guadalajara, Hermosillo, Mazatlan, and Monterrey.

NAME OF DECISION UNIT: Type of Measure	ORGANIZED CRIMINAL ENTERPRISES Performance Indicators									
	1994	1995	1996	1997	1997	1997	1997	1997	1997	1998
DEMAND/WORKLOAD	Actual	Actual	Actual	Actual	Target	Estimate	Target	Estimate	Target	Target
	1.1	Investigative Matters Pending Beginning of Year	5,513	5,744	1,115	1,329	1,329	1,329	1,329	1,595
	1.2	Investigative Matters Received	7,103	7,498	2,240	2,688	2,688	2,688	2,688	3,226
	1.3	Liaison Initiative Requested by U.S. Embassy at Post		1,428	900	1,080	1,080	1,080	1,080	1,296
INPUT	1.4	Number of Legal Offices	23	23	23	34	34	34	34	42
	1.5	Legal/ALAT FTE	67	68	70	88	88	88	88	111
	1.6	Support FTE	51	55	54	64	64	64	64	75
	1.7	ONAP Agent FTE		3	3	3	3	3	3	6
OUTPUT	1.8	Investigative Matters Resolved	6,872	7,157	2,026	2,431	2,431	2,431	2,431	2,917
		Investigative Programs addressed								
	A	OC/Drugs	1,373	1,437	45	54	54	54	54	65
	B	WCC/Financial Crimes	1,659	1,510	30	36	36	36	36	44
	C	Violent Crimes	1,571	1,461	102	122	122	122	122	147
	D	Other Priority Investigations	2,666	2,737	171	206	206	206	206	247
	E	Misc. (Interpol/IPC/Applicant)	3,062	3,727	2,873	3,448	3,448	3,448	3,448	4,138
	1.9	International Training Initiatives Addressed	143	154	134	161	161	161	161	193
OUTCOME	1.10	Requests initiated on behalf of Government in matters pursuant to Mutual Legal Assistance Treaties (MLAT), Letter Rogatories & Provisional Arrests	2,246	2,346	949	1,139	1,139	1,139	1,139	1,367
	1.11	Requests initiated on behalf of Host Government for arrest of FBI Agents, Analysts, & Lab Specialists to assist in investigations	304	304	247	297	297	297	297	356
	1.12	Deportation or extradition	80	120	155	186	186	186	186	224
	1.13	Implementation of Memorandum of Understanding/treaties	17	40	45	54	54	54	54	65

NAME OF DECISION UNIT: Type of Measure	ORGANIZED CRIMINAL ENTERPRISES Performance Indicators				
	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
IMPACT	1.14 Provide testimony, evidence, & technical assistance to Host Government pursuant to prosecution.	111	364	332	398
PRODUCTIVITY/ EFFICIENCY RATIO	1.15 Investigative Matters Addressed Legal Attache Offices Ratio	10,616 23	11,242 23	3,355 23	4,026 34
	1.16 Legal/ALAT FTEs Utilized Investigative Matters addressed Ratio	461:1 67	489:1 68	119:1 70	119:1 88
		10,616 1:158	11,242 1:165	4,026 1:46	4,832 1:44
A. DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS					
Legal Offices - Officially United Legal Attache offices. These offices are staffed by senior FBI Agents in an effort to assist cooperation and investigative information from host government law enforcement in support of domestic criminal investigations. Legats are located in U.S. Missions abroad and are members of the Ambassador's country team.					
B. FACTORS AFFECTING 1996 PERFORMANCE					
Ability to reach 1996 target level would be affected if the FBI does not receive Congressional approval to proceed with Legat expansion goals.					
Effective in 1996, leads are no longer counted in case benchmarks. Therefore, the numbers of investigative matters resolved are considerably lower.					
Training accomplishments were affected by the 1996 furlough.					
C. FACTORS AFFECTING SELECTION OF FY 1997 AND FY 1998 TARGETS					

NAME OF DECISION UNIT: Type of Measure	ORGANIZED CRIMINAL ENTERPRISES Performance Indicators					
	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Estimate	1998 Target
Reaching FY 1997 and 1998 targets are contingent upon Congressional approval and authorization of appropriations to open and staff new or enhance existing Legal offices. Targets assume Congressional approval and funding Effective in 1996, leads are no longer counted in case summaries. Therefore, the numbers of investigative matters resolved are considerably lower.						

NAME OF DECISION UNIT:		ORGANIZED CRIMINAL ENTERPRISES		1994		1995		1996		1997		1997		1998	
Type of Measure		Performance Indicators		Actual		Actual		Actual		Target		Estimate		Target	
INPUT		Number of Agents Assigned to Criminal Matters in Puerto Rico and U.S. Virgin Islands		N/A		N/A		117		117		117		117	
		Percentage of Cases enhanced through intelligence		N/A		N/A		N/A		N/A		N/A		N/A	
		Number of Group I and II Undercover Operations		N/A		N/A		N/A		N/A		N/A		N/A	
		Number of Title IIIs		N/A		N/A		124		124		130		130	
		Number of Indictments-CE members		N/A		N/A		101		101		106		106	
		Number of Arrests		N/A		N/A		45		45		47		47	
		Number of Convictions		N/A		N/A		N/A		N/A		N/A		N/A	
		Amt. of Assets seized		N/A		N/A		1		1		5		5	
		Number of Indictments-corruption		N/A		N/A		N/A		N/A		Yes		Yes	
		Creation of Joint Criminal Intelligence Center		N/A		N/A		N/A		N/A		Yes		Yes	
OUTCOME		Formation of Joint Executive Council		N/A		N/A		N/A		N/A		N/A		N/A	
		Number of events resulting in disruption or dismantlement of CEs		N/A		N/A		N/A		N/A		N/A		N/A	
		Reduction in violent crime by 5%		N/A		N/A		N/A		N/A		N/A		N/A	
		Group I and II Undercover Operations are types of FBI investigative techniques generally using undercover agents or cooperating witnesses to obtain direct evidence of criminal acts. The two are distinguished by authority granted as to duration and scope.		N/A		N/A		N/A		N/A		N/A		N/A	
		Title IIIs are court authorized interceptions of criminal conversations and other electronically transmitted data among co-conspirators. They are an important investigative technique when obtaining evidence of complex criminal activity. For tracking purposes, "one" Title III is the monitoring of one communication line/microphone for one thirty day period.		N/A		N/A		N/A		N/A		N/A		N/A	
		Dismantlement of a criminal enterprise results when, because of the arrest of key members and seizure of assets, the enterprise no longer operates as a structured, organized and coordinated group. Disruption occurs when, due to the same law enforcement activity, the organization's effectiveness is significantly diminished for a period of time.		N/A		N/A		N/A		N/A		N/A		N/A	

NAME OF DECISION UNIT: ORGANIZED CRIMINAL ENTERPRISES: LCN		1994		1995		1996		1997		1997		1998	
Type of Measure		Actual		Actual		Actual		Target		Estimate		Target	
DEMAND/WORKLOAD													
		6		8		8		7		7		7	
		1,130		1,130		1,130		1,200		1,200		1,200	
		18		19		20		20		20		20	
		40		50		50		40		40		40	
INPUT		529		406		445		445		445		473	
		6		2		2		1		1		1	
		94		80		76		90		90		100	
		2		2		2		1		1		1	
OUTPUT													
		Associates		Associates		Associates		Associates		Associates		Associates	
		3 Indicted		8 Indicted		6 Indicted		8 Indicted		8 Indicted		8 Indicted	
		14 Convicted		10 Convicted		10 Convicted		10 Convicted		10 Convicted		10 Convicted	
		Members		Members		Members		Members		Members		Members	
		2 Indicted		3 Indicted		1 Indicted		1 Indicted		1 Indicted		1 Indicted	
		1 Convicted		3 Convicted		3 Convicted		3 Convicted		3 Convicted		3 Convicted	
		No		No		No		No		Yes		Yes	
		N/A		N/A		13		15		15		20	
		N/A		N/A		N/A		N/A		10		10	
		45		23		125		60		60		70	
		2/1		5/6		1/2		2/3		2/3		3/4	
		No		No		No		No		Yes		Yes	
		N/A		N/A		N/A		N/A		N/A		N/A	
		305		188		48		100		100		150	
		362		209		195		150		150		200	
		N/A		N/A		N/A		N/A		N/A		15 Positions	

NAME OF DECISION UNIT: ORGANIZED CRIMINAL ENTERPRISES: - LCN		Performance Indicators					
Type of Measures	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Estimate	1998 Target	
The creation of a Program Manager to coordinate the implementation of the New York portion of the LCN Initiative	No	No	No	Yes	Yes	Yes	
The creation of National Program Manager positions at FBIHQ for each of the Initiatives five objectives	No	No	Yes	Yes	Yes	Yes	
Allocate five new SSA positions to manage new Intelligence, Murder, Union/Industry, Genovese, and Colombo Squads in the NYO	No	No	No	1	1	1	
Allocate 16 SA positions to each of the five new squads proposed for the NYO	N/A	N/A	N/A	16	16	16	
Provide specialized legal, investigative, and technical training in support of all phases of the LCN Initiative.	N/A	N/A	N/A	2	2	2	
Allocate analytical resources to support all investigative/prosecutive efforts undertaken in support of the Initiative	N/A	N/A	N/A	N/A	Yes	Yes	
Identify and provide for automation needs to support all initiative-related investigative/prosecutive action	N/A	N/A	N/A	N/A	Yes	Yes	
Identify funding to hire contract employees to address LCN related forfeitures.	N/A	N/A	N/A	Yes	Yes	Yes	
Number of LCN influenced HEREIU Union officials/members removed/banned through Civil RICO proceedings.	0	0	11	15	15	10	
Number of Teamsters Union officials/members removed/banned from union activities through Civil RICO proceedings.	0	0	61	10	10	10	
Number of Genovese and Gambino Family members indicted & convicted	28	22	27	30	30	16	
Number of Capone, consiglieres, underbosses, and bosses indicted/convicted and incarcerated	38	32	36	40	40	40	
Number of LCN members incarcerated	267	285	325	325	375	430	
Net reduction of active LCN members	N/A	N/A	N/A	N/A	300	325	
The monetary value of all civil and criminal forfeitures dollars in thousands (000).	23,000	65,000	14,000	20,000	20,000	23,000	
The receipt of positive feedback from participating field divisions concerning the above-proposed improvements.	N/A	N/A	30 Percent	50 Percent	50 Percent	75 Percent	

OUTCOME

A. DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS

In enacting the Federal RICO statute, Congress provided criminal penalties of imprisonment, fines, and forfeiture. In addition, RICO also contains an extensive civil enforcement scheme. Civil RICO proceedings, like their criminal counterparts, must allege and prove a pattern of racketeering activity. Civil RICO proceedings have been used successfully by the Government to remove the corrupt influence of organized crime from labor unions. Once a judgment in favor of the Government is reached or a consent decree is entered, the court can begin to restructure the union through the use of injunctive relief that is not available in criminal RICO cases. Labor racketeering cases are criminal in nature. Labor racketeering prosecutions can charge RICO violations, labor-related violations such as Taft-Hartley, or other criminal violations such as Hobbs Act extortion. They may be directed against labor, management, or both. They may result in incarceration, fines, and criminal forfeiture. However, a criminal RICO conviction does not empower the court to impose injunctive relief as in a Civil RICO case.

Civil RICO trusteeships are created by the court and are empowered to remove the organized crime influence from a union. Trustees can appoint investigations officers to explore allegations of corrupt conduct on the part of union members and officers; to replace officers; to bar individuals from any future union activity; and to conduct union elections.

Labor racketeering is the LCN's most fundamental source of national power and influence. Prosecutions of LCN members on labor racketeering charges will result in the incarceration of the members and their removal from the union. REIs (Racketeering Enterprise Investigations) authorize FBI field offices to conduct investigations of various organized crime enterprises, including LCN-controlled labor unions. The purpose of an REI is to gather sufficient information about an enterprise to justify the opening of a substantive criminal investigation. Labor racketeering REIs will enhance a field division's labor racketeering intelligence base and promote the development of labor-related investigations.

The Teamsters Union, along with the ILA, LIUNA and HEREIU, are the four international unions identified by the FBI as being controlled by the LCN. The removal of LCN-influenced Teamsters officials/members is critical to the accomplishment of our goal to reduce the LCN's influence in certain unions and industries.

The Gambino and Genovese LCN Families are the two most powerful LCN Families in the country.

Court-authorized electronic surveillance (wiretaps or microphones) is often referred to as Title III coverage. Title IIIs are one of the most significant investigative tools available to the FBI.

Undercover operations (UCOs) directed against the LCN are employed in limited circumstances and after extensive review at the field division level and at FBI Headquarters.

The net reduction of active LCN members will be calculated by adding the number of active LCN members at the beginning of Heaven's Gate to the number of LCN members inducted in any given time period and then subtracting the number of LCN members incarcerated during the same time period.

Asset forfeiture has the potential to remove the profit incentive from organized crime. The number of cases in which forfeiture was sought can be compared with the total number of cases conducted. The percentage of cases in which forfeiture was actually sought will be an indicator of a field division's commitment to the forfeiture program. Additionally, the number of cases in which forfeiture is sought will not correspond on a case-by-case basis with the number of cases in which forfeiture is obtained. First, assets may ultimately be found to be nonforfeitable for legal reasons. Second, prosecutors may decline to seek forfeiture as part of a plea negotiation. Also, forfeitures are often not finalized in the same year in which the asset is seized. This also contributes to the difference in annual seizure and forfeiture statistics.

The RICO criminal forfeiture of assets such as union office or union pensions is significant because it removes the LCN from positions of power in a union and removes their ill-gotten gains by taking their pensions. Similarly, the imposition of Civil RICO trusteeships and the removal of LCN-controlled officers/members will further reduce the LCN's control/influence over unions.

Although the overall wealth of the LCN is difficult to estimate, substantial monetary forfeitures will undermine its financial power base and remove or reduce the profit incentive associated with organized crime.

New York City is home to five LCN Families. Accordingly, significant Heaven's Gate resources have been committed to the New York Division. To ensure a proper implementation of the New York phase of the initiative, an FBIHQ-based New York Program Manager has been selected. Among other things, this Program Manager will be responsible for securing forfeiture, intelligence, and financial analysts; formulating training; and identifying sources of funding to meet immediate and long-range resource requirements.

The Supervisors assigned to the LCN/OC/Labor Racketeering Unit at FBIHQ have been designated national Program Managers for each of (a) the five goals of Heaven's Gate, and (b) the six industries identified in Heaven's Gate. With their national perspective, these Supervisors will coordinate all FBI efforts in support of Heaven's Gate.

The additional Agents to be assigned to the New York Organized Crime Program will be used, in part, to staff five new OC squads.

These squads will address priority work which at this time is underaddressed. Each squad will be in support of Heaven's Gate. For example, the creation of a union/industry squad and a second Genovese squad is in direct support of Goals 1 and 2.

Each of the presently existing New York OC squads will be brought up to 16 Agents per squad and each of the proposed squads will also be staffed with 16 Agents. These additional Agents will be selected from Agents transferred into New York.

As budgetary considerations permit, all Agents assigned to LCN investigations will be afforded basic and advanced OC training, specialized training such as informant development and forfeiture training, and technical training on criminal intelligence data bases.

The development of a comprehensive LCN intelligence base is a critical component of Heaven's Gate. Efforts are currently underway to secure Department of Defense intelligence analysts to be assigned on a TDY basis to the New York Division. Additionally, the Intelligence Section in conjunction with NDIC is engaged in a project to load a voluminous amount of LCN-related materials into the CISP data base. This will result in a full text retrieval capability by all field divisions with CISP terminals.

Asset forfeiture is the subject of Heaven's Gate's fifth goal. Currently, LCN-related forfeitures are being underaddressed in the New York division. Funding has been identified which will support the hiring of ten contract forfeiture analysts to handle all LCN forfeitures in New York.

B. FACTORS AFFECTING 1996-1998 PERFORMANCE

LCN investigations fall within the FBI's Organized Crime/Drug Program (OC/DP). The cornerstone of all FBI LCN investigations is the Enterprise Theory of Investigation (ETI). The ETI requires that an LCN Family or an LCN-related "association in fact" be the enterprise in a RICO prosecution or a Civil RICO proceeding. Evidence of predicate criminal acts is developed to establish the criminality of the LCN enterprise pursuant to RICO. Limited FBI resources demand that LCN investigations not be diluted by unsupportive, target-of-opportunity investigations. Therefore, OC/DP cases are unique within the FBI when compared to other FBI investigative programs which target individuals rather than enterprises.

The number of statistical accomplishments, the relative speed of achieving such accomplishments, or the number of investigations conducted or initiated based on allocated resources should not be applied to labor intensive LCN investigations utilizing the ETI. This successful investigative approach translates into more intelligence driven investigations which often reflect fewer investigative matters due to the extended duration of each case. In accordance with the OC/Drug National Strategy, LCN investigations require the assignment of significant numbers of Agent and support personnel, as well as technical resources, to support the use of sophisticated investigative techniques such as electronic surveillance and undercover operations.

In 1994 FBI LCN investigations utilized approximately 597 Agents. In 1995 this figure dropped to approximately 406 Agents. As of the third quarter of 1996, LCN investigations are utilizing approximately 443 Agents. While the number of Agents working on LCN investigations has increased since 1995, the number is still substantially less than the 597 Agents utilized in 1994. While the quality of 1996 accomplishments is commendable, LCN investigations were not opened as a result of other domestic/international terrorism, training, and applicant matters ongoing within the FBI, requiring the temporary diversion of these investigations.

Operation Heaven's Gate is a five-year strategic initiative designed to significantly reduce the LCN's active membership and national influence. It has established five goals and identified six industries which will be addressed on a national basis. All FBI LCN investigations conducted in 1997 and 1998 will select targets which conform to the goals and objectives of Heaven's Gate.

NAME or DECISION UNIT: Type of Measure	ORGANIZED CRIMINAL ENTERPRISES: Performance Indicators		Southwest Border		1996	1997	1997	1998
	Actual	Actual	Actual	Actual	Actual	Target	Estimate	Target
DEMAND/WORKLOAD	INPUT	Number of Agents Assigned to SWB Project Investigations	N/A	N/A	270	479	479	513
		Percentage of cases enhanced through intelligence	N/A	N/A	N/A	N/A	N/A	N/A
		Number of joint investigations initiated through Bilateral Task Forces	N/A	N/A	3	3	3	3
		Number of field office submissions to SODOIU	N/A	N/A	N/A	N/A	N/A	N/A
		Number of Group I & II Undercover Operations/LICOs	N/A	N/A	10	19	19	21
		Number of Title IIIs	N/A	N/A	112	196	196	210
		Number of Indictments	N/A	N/A	147	258	258	277
		Number of Arrests	N/A	N/A	161	287	287	308
		Number of Convictions	N/A	N/A	93	163	163	174
		Amount of Assets seized (\$000)	N/A	N/A	\$282	\$498	\$498	\$534
		Comprehensive Intelligence Plan Developed	N/A	N/A	Yes	Yes	Yes	Yes
		Intelligence collection/reporting process established in Mexico	N/A	N/A	Yes	Yes	Yes	Yes
		Conduct a Southwest Border Crime Assessment	N/A	N/A	Yes	...	3	3
		Increase/strengthen Bilateral Task Forces	N/A	N/A	3	3	3	3
OUTCOME	Number of events resulting in disruption or dismantlement of MCEs	N/A	N/A	N/A	N/A	12	12	
	The above performance measures compare only agents in the direct OC/Drugs Program SWB offices with the accomplishments for Mexican (281C) only Group I and II Undercover Operations are types of FBI investigative techniques generally using undercover agents or cooperating witnesses to obtain direct evidence of criminal acts. The two are distinguished by authority granted as to duration and scope.							
	Title IIIs are court authorized interceptions of criminal conversations and other electronically transmitted data among co-conspirators. They are an important investigative technique when obtaining evidence of complex criminal activity. For tracking purposes, "one" Title III is the monitoring of one communication line/microphone for one thirty day period.							
	Dismantlement of a criminal enterprise results when, because of the arrest of key members and seizure of assets, the enterprise no longer operates as a structured, organized and coordinated group. Disruption occurs when, due to the same law enforcement activity, the organization's effectiveness is significantly diminished for a period of time. In 1997 the FBI is preparing a method to retrieve statistical data on the number of events resulting in disruption or dismantlement of a Mexican criminal enterprise.							
	The FBI conducted a Southwest Border crime assessment in 1996, and may conduct a survey in the future.							

NAME OF DECISION UNIT: Type of Measure	ORGANIZED CRIMINAL ENTERPRISES: Performance Indicators	Nigerian 1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Estimate	1998 Target
DEMAND/WORKLOAD							
INPUT	Number of pending NCE cases at the beginning of the year.	36	46	33	40	35	40
	Number of Agents Working Nigerian Matters	N/A	N/A	10	10	10	10
	Number of NCE cases opened.	45	11	10	10	10	10
	Number of arrests.	63	35	17	26	26	26
	Number of indictments	61	42	14	34	34	34
	Number of convictions	29	39	41	40	40	40
OUTCOME	Number of extraditions.	0	1	0	0	0	0
	Amount of assets forfeited. (\$000)	192	43	75	25	25	25
	Changes in drug trafficking patterns based on successful investigative active.	N/A	N/A	N/A	N/A	N/A	N/A
	Percentage of heroin seized as reflected in the current NNICC's report.	30%	N/A	N/A	N/A	N/A	N/A
Group I and II Undercover Operations are types of FBI investigative techniques generally using undercover agents or cooperating witnesses to obtain direct evidence of criminal; actu. The two are distinguished by authority granted as to duration and scope.							
Title IIIs are court authorized interceptions of criminal conversations and other electronically transmitted data among co-conspirators. They are an important investigative technique when obtaining evidence of complex criminal activity. For tracking purposes, "one" Title III is the monitoring of one communication line/microphone for one thirty day period.							
Changes in drug trafficking patterns based on successful investigative action refers to noted change in the drug trafficking activities of NCE as a result of law enforcement efforts, i.e., if Nigerian couriers carrying heroin into the United States via John F. Kennedy International Airport, New York City, are successfully identified upon entry into the United States, as drug couriers this would lead to a drug seizure and the courier's arrest. NCE would then realize the increased efforts of law enforcement in New York City and thus change their port of entry. NCE are very unique compared to other criminal enterprises in that they rapidly change their methods of operations to defeat the scrutiny of law enforcement.							
The National Narcotics Intelligence Consumers Committee (NNICC) provides a comprehensive assessment of worldwide illicit drug related intelligence. The figures supplied in this report have been agreed upon by the U.S. Government for use by federal agencies having drug related enforcement responsibilities. The percentage of heroin seized relates to the amount of heroin seized in the United States attributed to or traced to NCE.							

NAME OF DECISION UNIT: ORGANIZED CRIMINAL ENTERPRISES: Asian		Performance Indicators				1997		1997		1998	
Type of Measure		1994	1995	1996	1997	Target	Estimate	Target	Estimate	Target	Estimate
DEMAND/WORKLOAD		Actual	Actual	Actual	Actual	290	295	300	300		
INPUT	Number of Investigative Matters	224	245	286	290						
	Asian Matters	134	111	127	133						
OUTPUT	Criminal Intelligence Support Program (CISP) operational in all affected field offices	No	No	No	No						
	ACE analysts hired, trained and utilized on ACE investigations	No	No	No	No						
	National ACE intelligence database fully operational and all affected offices online	No	No	No	No						
	Group I & II UCO's initiated and extended	6 Initiated 7 Extended	4 Initiated 7 Extended	3 Initiated 7 Extended	7 Initiated 7 Extended	9 Initiated 9 Extended	9 Initiated 9 Extended	9 Initiated 9 Extended	9 Initiated 9 Extended		
	T-III initiated, extended, # of lines monitored, spin-offs	16 Initiated 14 Extended	23 Initiated 12 Extended 44 lines	24 Initiated 17 Extended 50 lines 6 Spin-offs	26 Initiated 20 Extended 52 lines 6 Spin-offs	28 Initiated 20 Extended 52 lines 10 Spin-offs	28 Initiated 20 Extended 52 lines 10 Spin-offs	28 Initiated 20 Extended 52 lines 12 Spin-offs	28 Initiated 20 Extended 52 lines 12 Spin-offs		
	RICO, CCE, Money Laundering indictments and convictions as a percentage of all ACE indictments and convictions	N/A	32/315	45/345	51/320		64/238	60/300	64/238		
	Establishment and continuation of International Working Groups	Yes	Yes	Yes	Yes		Yes	Yes	Yes		
	Extraditions and renditions of International ACE fugitives	N/A	N/A	7	10		10	10	10		
	NNICC reports on importation, distribution, trafficking patterns and abuse supports continued emphasis on ADTEs	Yes	Yes	Yes	Yes		Yes	Yes	Yes		
OUTCOME	Ability to identify, profile, assess, and prioritize ACE members and ACEs	No	No	No	No		No	No	No		

DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS			
Criminal Enterprises are specific groups identified as continuing criminal organizations that thrive on a pattern of racketeering activity fed by fear and motivated by greed.			
All ACE analytical data available to all field and FBIHQ managers for ACE matters.			
Title IIIs are court-authorized interceptions of telephone conversations between criminal subjects and their associates. This electronic surveillance technique is highly effective in producing the evidence needed to convict criminal subjects of RICO and CCE counts. Spin-off investigations are those Title III's generated by the intelligence and information from an already existing Title III investigation.			
RICO, CCE, and Money Laundering counts are quality indicators for OC/Drug cases, because convictions under these statutes result in longer jail sentences, higher fines, forfeiture of assets and the removal of an ACE Criminal Enterprise and their economic base, and the disruption and destruction of the enterprise. These statutes are the means for implementing EII and prosecuting the hierarchy and membership of an enterprise, as opposed to prosecuting individual members for lesser crimes. Stripping significant organized criminal enterprise and subjects of their assets through forfeiture orders is a technique for disrupting and destruction of the enterprise. These statutes are the means for implementing EII and prosecuting the hierarchy and membership of an enterprise, as opposed to prosecuting individual members for lesser crimes. Stripping significant organized criminal enterprises and subjects of their assets through forfeiture orders is a technique for disrupting and dismantling their operations.			

NAME of DECISION UNIT: Type of Measure	ORGANIZED CRIMINAL ENTERPRISES: Performance Indicators				
	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target
INPUT	10	48	55	60	60
	9	20	32	35	35
OUTPUT	139	271	310	300	300
	24	30	32	35	35
	43	107	172	175	175
	N/A	2	2	3	3
	N/A	4	4	4	4
	10	25	41	45	45
OUTCOME	9	6	7	7	11
	N/A	N/A	N/A	N/A	15
	1	7	9	9	14
	2	3	4	4	6
	N/A	N/A	N/A	N/A	12
	\$2,600	\$438	\$14,216	\$500	\$500
	N/A	\$349	\$302	\$436	\$440
	N/A	N/A	N/A	N/A	\$500

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Establishment of a refined international R/EE/ECCE intelligence base						
Extent of the R/EE/ECCE crime problem in the U.S. is defined - yes/no	N/A	N/A	Yes	Yes	Yes	Yes
International working groups are still meeting - yes/no	N/A	Yes	Yes	Yes	Yes	Yes

NAME OF DECISION UNIT: Type of Measure	ORGANIZED CRIMINAL ENTERPRISES Performance Indicators					
	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Estimate	1998 Target
INPUT	Number of Agents Assigned to Criminal Matters in Puerto Rico and U.S. Virgin Islands	N/A	N/A	117	117	117
	Percentage of Cases enhanced through Intelligence	N/A	N/A	N/A	N/A	N/A
	Number of Group I and II Undercover Operations	N/A	N/A	N/A	N/A	N/A
	Number of Title IIIs	N/A	N/A	N/A	N/A	N/A
	Number of Indictments-CE members	N/A	N/A	124	130	130
	Number of Arrests	N/A	N/A	101	106	106
	Number of Convictions	N/A	N/A	45	47	47
	Am't. of Assets seized	N/A	N/A	N/A	N/A	N/A
	Number of Indictments-corruption	N/A	N/A	1	5	5
	Creation of Joint Criminal Intelligence Center	N/A	N/A	N/A	Yes	Yes
	Formation of Joint Executive Council	N/A	N/A	N/A	Yes	Yes
	Number of events resulting in disruption or dismantlement of CEs	N/A	N/A	N/A	N/A	N/A
	Reduction in violent crime by 5%	N/A	N/A	N/A	N/A	N/A
OUTCOME	Group I and II Undercover Operations are types of FBI investigative techniques generally using undercover agents or cooperating witnesses to obtain direct evidence of criminal, acts. The two are distinguished by authority granted as to operation and scope.					
	Title IIIs are court authorized interceptions of criminal conversations and other electronically transmitted data among co-conspirators. They are an important investigative technique when obtaining evidence of complex criminal activity. For tracking purposes, "one" Title III is the monitoring of one communication line/microphone for one thirty day period.					
	Dismantlement of a criminal enterprise results when, because of the arrest of key members and seizure of assets, the enterprise no longer operates as a structured, organized and coordinated group.					
	Disruption occurs when, due to the same law enforcement activity, the organization's effectiveness is significantly diminished for a period of time.					

NAME OF DECISION UNIT: ORGANIZED CRIMINAL ENTERPRISES: - LCN		1994		1995		1996		1997		1998	
Type of Measure	Performance Indicators	Actual	Actual	Actual	Actual	Actual	Actual	Target	Estimate	Target	Target
DEMAND/WORKLOAD	Number of existing Civil RICO trusteeships.	6	8	8	8	7	7	7	7	7	7
	Number of current LCN members in each of the 25 LCN families.	1,150	1,130	1,130	1,130	1,200	1,200	1,200	1,200	1,200	1,200
	Number of LCN members released in the future.	18	19	20	20	20	20	20	20	20	20
INPUT	Number of new LCN members indicted.	40	50	50	50	40	40	40	40	40	40
	Number of Agents Working LCN Matters	529	406	445	445	445	445	445	445	445	445
	Number of Civil RICO cases initiated.	6	2	2	2	1	1	1	1	1	1
OUTPUT	Number of labor racketeering cases initiated.	94	80	76	76	90	90	90	90	100	100
	Number of Civil RICO trusteeships created.	2	2	2	2	1	1	1	1	1	1
	Number of LCN members/associates indicted/convicted in labor racketeering prosecutions	Associates 3 Indicted 14 Convicted	Associates 8 Indicted 10 Convicted	Associates 8 Indicted 10 Convicted	Associates 6 Indicted 10 Convicted	Associates 8 Indicted 10 Convicted	Associates 8 Indicted 10 Convicted	Associates 8 Indicted 10 Convicted	Associates 8 Indicted 10 Convicted	Associates 8 Indicted 10 Convicted	Associates 8 Indicted 10 Convicted
	Creation of a labor racketeering squad in the NYO	No	No	No	No	No	No	No	No	Yes	Yes
	Number of investigations initiated against members and significant associates of the Genovese and Gambino Families.	N/A	N/A	N/A	13	15	15	15	15	20	20
	Number of Title IIIa initiated/extended in Genovese and Gambino Family investigations.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10	10
	Number of LCN-related Title IIIs	45	23	125	125	60	60	60	60	70	70
	Number of LCN-related Group I and Group II UCOS	2/13	5/8	172	172	23	23	23	23	3/4	3/4
	Initiation of REIs on each LCN family which is criminally active within designated field divisions	No	No	No	No	No	No	No	No	Yes	Yes
	Initiation of special enforcement operations in four areas: telemarketing fraud; legalized gaming; gangland murder; and drug trafficking.	No	No	No	No	No	No	No	No	Yes	Yes
	Number of cases in which forfeiture was sought.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of cases in which forfeiture was obtained.	309	188	85	85	100	100	100	100	150	150
	The forfeiture of assets which enable the LCN to control or influence certain operations in labor unions, e.g. certain businesses, elected or appointed positions in labor unions.	362	209	195	195	150	150	150	150	200	200
		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	15 Positions	15 Positions

NAME OF DECISION UNIT: Type of Measure	ORGANIZED CRIMINAL ENTERPRISES - LCN									
	Performance Indicators		1994		1995		1996		1997	
			Actual	Target	Actual	Target	Actual	Target	Estimate	Target
	The creation of a Program Manager to coordinate the implementation of the New York portion of the LCN initiative		No	No	No	Yes	Yes	Yes	Yes	Yes
	The creation of National Program Manager positions at FBIHQ for each of the initiatives five objectives		No	No	No	Yes	Yes	Yes	Yes	Yes
	Allocate five new SSA positions to manage new Intelligence, Murder, Union/Industry, Genovese, and Colombo Squads in the NYO		No	No	No	1	1	1	1	1
	Allocate 16 SA positions to each of the five new squads proposed for the NYO		N/A	N/A	N/A	16	16	16	16	16
	Provide specialized legal, investigative, and technical training in support of all phases of the LCN initiative.		N/A	N/A	N/A	2	2	2	2	2
	Allocate analytical resources to support all investigative/prosecutive efforts undertaken in support of the initiative.		N/A	N/A	N/A	N/A	Yes	Yes	Yes	Yes
	Identify and provide for automation needs to support all initiative-related investigative/prosecutive action.		N/A	N/A	N/A	N/A	N/A	Yes	Yes	Yes
	Identify funding to hire contract employees to address LCN related forfeitures.		N/A	N/A	N/A	Yes	Yes	Yes	Yes	Yes
OUTCOME	Number of LCN influenced HEREIU Union officials/members removed/banned through Civil RICO proceeding.		0	0	0	11	15	15	15	10
	Number of Teamsters Union officials/members removed/banned from union activities through Civil RICO proceedings.		0	0	0	61	10	10	10	10
	Number of Genovese and Gambino Family members indicted & convicted		28	22	22	27	30	30	30	16
	Number of Capos, consiglieres, underbosses, and bosses indicted/convicted and incarcerated		28	32	32	36	40	40	40	40
	Number of LCN members incarcerated		267	285	285	325	325	375	375	430
	Net reduction of active LCN members		N/A	N/A	N/A	N/A	N/A	N/A	300	325
	The monetary value of all civil and criminal forfeitures dollars in thousands (000).		25,000	65,000	65,000	14,000	20,000	20,000	20,000	25,000
	The receipt of positive feedback from participating field divisions concerning the above-proposed improvements.		N/A	N/A	N/A	30 Percent	50 Percent	50 Percent	50 Percent	75 Percent

A. DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS

In enacting the Federal RICO statute, Congress provided criminal penalties of imprisonment, fines, and forfeiture. In addition, RICO also contains an extensive civil enforcement scheme. Civil RICO proceedings, like their criminal counterparts, must allege and prove a pattern of racketeering activity. Civil RICO proceedings have been used successfully by the Government to remove the corrupt influence of organized crime from labor unions. Once a judgment in favor of the Government is reached or a consent decree is entered, the court can begin to restructure the union through the use of injunctive relief that is not available in criminal RICO cases. Labor racketeering cases are criminal in nature. Labor racketeering prosecutions can charge RICO violations, labor-related violations such as Taft-Hartley, or other criminal violations such as Hobbs Act extortion. They may be directed against labor, management, or both. They may result in incarceration, fines, and criminal forfeiture. However, a criminal RICO conviction does not empower the court to impose injunctive relief as in a Civil RICO case.

Civil RICO trusteeships are created by the court and are empowered to remove the organized crime influence from a union. Trustees can appoint investigations officers to explore allegations of corrupt conduct on the part of union members and officers; to replace officers; to bar individuals from any future union activity; and to conduct union elections.

Labor racketeering is the LCN's most fundamental source of national power and influence. Prosecutions of LCN members on labor racketeering charges will result in the incarceration of the members and their removal from the union. REIs (Racketeering Enterprise Investigations) authorize FBI field offices to conduct investigations of various organized crime enterprises, including LCN-controlled labor unions. The purpose of an REI is to gather sufficient information about an enterprise to justify the opening of a substantive criminal investigation. Labor racketeering REIs will enhance a field division's labor racketeering intelligence base and promote the development of labor-related investigations.

The Teamsters Union, along with the ILA, LIUNA and HEREIU, are the four international unions identified by the FBI as being controlled by the LCN. The removal of LCN-influenced Teamsters officials/members is critical to the accomplishment of our goal to reduce the LCN's influence in certain unions and industries.

The Gambino and Genovese LCN Families are the two most powerful LCN Families in the country.

Court-authorized electronic surveillance (wiretaps or microphones) is often referred to as Title III coverage. Title IIIs are one of the most significant investigative tools available to the FBI.

Undercover operations (UCOs) directed against the LCN are employed in limited circumstances and after extensive review at the field division level and at FBI Headquarters.

The net reduction of active LCN members will be calculated by adding the number of active LCN members at the beginning of Heaven's Gate to the number of LCN members inducted in any given time period and then subtracting the number of LCN members incarcerated during the same time period.

Asset forfeiture has the potential to remove the profit incentive from organized crime. The number of cases in which forfeiture was sought can be compared with the total number of cases conducted. The percentage of cases in which forfeiture was actually sought will be an indicator of a field division's commitment to the forfeiture program. Additionally, the number of cases in which forfeiture is sought will not correspond on a case-by-case basis with the number of cases in which forfeiture is obtained. First, assets may ultimately be found to be nonforfeitable for legal reasons. Second, prosecutors may decline to seek forfeiture as part of a plea negotiation. Also, forfeitures are often not finalized in the same year in which the asset is seized. This also contributes to the difference in annual seizure and forfeiture statistics.

The RICO criminal forfeiture of assets such as union office or union pensions is significant because it removes the LCN from positions of power in a union and removes their ill-gotten gains by taking their pensions. Similarly, the imposition of Civil RICO trusteeships and the removal of LCN-controlled officers/members will further reduce the LCN's control/influence over unions.

Although the overall wealth of the LCN is difficult to estimate, substantial monetary forfeitures will undermine its financial power base and remove or reduce the profit incentive associated with organized crime.

New York City is home to five LCN Families. Accordingly, significant Heaven's Gate resources have been committed to the New York Division. To ensure a proper implementation of the New York phase of the initiative, an FBIHQ-based New York Program Manager has been selected. Among other things, this Program Manager will be responsible for securing forfeiture, intelligence, and financial analysts; formulating training; and identifying sources of funding to meet immediate and long-range resource requirements.

The Supervisors assigned to the LCN/IOC/Labor Racketeering Unit at FBIHQ have been designated national Program Managers for each of (a) the five goals of Heaven's Gate; and (b) the six industries identified in Heaven's Gate. With their national perspective, these Supervisors will coordinate all FBI efforts in support of Heaven's Gate.

The additional Agents to be assigned to the New York Organized Crime Program will be used, in part, to staff five new OC squads.

These squads will address priority work which at this time is underaddressed. Each squad will be in support of Heaven's Gate. For example, the creation of a union/industry squad and a second Genovese squad is in direct support of Goals 1 and 2.

Each of the presently existing New York OC squads will be brought up to 16 Agents per squad and each of the proposed squads will also be staffed with 16 Agents. These additional Agents will be selected from Agents transferred into New York.

As budgetary considerations permit, all Agents assigned to LCN investigations will be afforded basic and advanced OC training, specialized training such as informant development and forfeiture training, and technical training on criminal intelligence data bases.

The development of a comprehensive LCN intelligence base is a critical component of Heaven's Gate. Efforts are currently underway to secure Department of Defense intelligence analysts to be assigned on a TDY basis to the New York Division. Additionally, the Intelligence Section in conjunction with NDIC is engaged in a project to load a voluminous amount of LCN-related materials into the CISP data base. This will result in a full text retrieval capability by all field divisions with CISP terminals.

Asset forfeiture is the subject of Heaven's Gate's fifth goal. Currently, LCN-related forfeitures are being underaddressed in the New York division. Funding has been identified which will support the hiring of ten contract forfeiture analysts to handle all LCN forfeitures in New York.

B. FACTORS AFFECTING 1996-1998 PERFORMANCE

LCN investigations fall within the FBI's Organized Crime/Drug Program (OC/DP). The cornerstone of all FBI LCN investigations is the Enterprise Theory of Investigation (ETI). The ETI requires that an LCN Family or an LCN-related "association in fact" be the enterprise in a RICO prosecution or a Civil RICO proceeding. Evidence of predicate criminal acts is developed to establish the criminality of the LCN enterprise pursuant to RICO. Limited FBI resources demand that LCN investigations not be diluted by unsupportive, target-of-opportunity investigations. Therefore, OC/DP cases are unique within the FBI when compared to other FBI investigative programs which target individuals rather than enterprises.

The number of statistical accomplishments, the relative speed of achieving such accomplishments, or the number of investigations conducted or initiated based on allocated resources should not be applied to labor intensive LCN investigations utilizing the ETI. This successful investigative approach translates into more intelligence driven investigations which often reflect fewer investigative matters due to the extended duration of each case. In accordance with the OC/Drug National Strategy, LCN investigations require the assignment of significant numbers of Agent and support personnel, as well as technical resources, to support the use of sophisticated investigative techniques such as electronic surveillance and undercover operations.

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Operation Heaven's Gate is a five-year strategic initiative designed to significantly reduce the LCN's active membership and national influence. It has established five goals and identified six industries which will be addressed on a national basis. All FBI LCN investigations conducted in 1997 and 1998 will select targets which conform to the goals and objectives of Heaven's Gate.

NAME OF DECISION UNIT: Type of Measure	ORGANIZED CRIMINAL ENTERPRISES: Southwest Border											
	Performance Indicators		1994		1995		1996		1997		1998	
			Actual	Target	Actual	Target	Actual	Target	Actual	Target	Estimate	Target
DEMAND/WORKLOAD	INPUT	Number of Agents Assigned to SWB Project Investigations	N/A		N/A		270		479		479	513
		Percentage of cases enhanced through intelligence	N/A		N/A		N/A		N/A		N/A	N/A
		Number of joint investigations initiated through Bilateral Task Forces	N/A		N/A		3		3		3	3
		Number of field office submissions to SODOIU	N/A		N/A		N/A		N/A		N/A	N/A
		Number of Group/II Undercover Operations/LCOs	N/A		N/A		10		19		19	21
		Number of Title IIIs	N/A		N/A		112		196		196	210
		Number of Indictments	N/A		N/A		147		258		258	277
		Number of Arrests	N/A		N/A		161		287		287	308
		Number of Convictions	N/A		N/A		91		163		163	174
		Amount of Assets seized (\$000)	N/A		N/A		\$282		\$498		\$498	\$534
	OUTCOME	Comprehensive Intelligence Plan Developed	N/A		N/A		Yes		Yes		Yes	Yes
		Intelligence collection/reporting process established in Mexico	N/A		N/A		Yes		Yes		Yes	Yes
		Conduct a Southwest Border Crime Assessment	N/A		N/A		Yes		Yes		Yes	Yes
		Increase/strengthen Bilateral Task Forces	N/A		N/A		3		3		3	3
		Number of events resulting in disruption or dismantlement of MCEs	N/A		N/A		N/A		N/A		N/A	12
		The above performance measures compare only agents in the direct OC/Drug Program SWB offices with the accomplishments for Mexican (BIC) only. Group I and II Undercover Operations are types of FBI investigative techniques generally using undercover agents of cooperating witnesses to obtain direct evidence of criminal acts. The two are distinguished by authority granted as to duration and scope.										
		Title IIIs are court authorized interceptions of criminal conversations and other electronically transmitted data among co-conspirators. They are an important investigative technique when obtaining evidence of complex criminal activity. For tracking purposes, "one" Title III is the monitoring of one communication line/microphone for one thirty day period.										
		Dismantlement of a criminal enterprise results when, because of the arrest of key members and seizure of assets, the enterprise no longer operates as a structured, organized and coordinated group. Disruption occurs when, due to the same law enforcement activity, the organization's effectiveness is significantly diminished for a period of time. In 1997 the FBI is preparing a method to retrieve statistical data on the number of events resulting in disruption or dismantlement of a Mexican criminal enterprise.										
		The FBI conducted a Southwest Border crime assessment in 1996, and may conduct a survey in the future.										

NAME OF DECISION UNIT: Type of Measure	ORGANIZED CRIMINAL ENTERPRISES: Nigerian Performance Indicators	1994		1995		1996		1997		1998	
		Actual	Target	Actual	Target	Actual	Target	Estimate	Target	Estimate	Target
DEMAND/WORKLOAD	Number of pending NCE cases at the beginning of the year.	36	40	46	33	33	40	35	40		
	Number of Agents Working Nigerian Matters	N/A	10	N/A	10	10	10	10	10		
	Number of NCE cases opened.	45	10	11	10	10	10	10	10		
	Number of arrests.	63	35	35	17	26	26	26	26		
	Number of indictments.	61	42	42	14	34	34	34	34		
	Number of convictions.	29	39	39	41	40	40	40	40		
INPUT	Number of extraditions.	0	1	1	0	0	0	0	0		
	Amount of assets forfeited. (\$000)	192	43	43	75	75	25	25	25		
	Changes in drug trafficking patterns based on successful investigative active.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
	Percentage of heroin seized as reflected in the current NNICCs report.	30%	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
	Group I and II Undercover Operations are types of FBI investigative techniques generally using undercover agents or cooperating witnesses to obtain direct evidence of criminal acts. The two are distinguished by authority granted as to duration and scope.										
	Title IIIs are court authorized interceptions of criminal conversations and other electronically transmitted data among co-conspirators. They are an important investigative technique when obtaining evidence of complex criminal activity. For tracking purposes, one Title III is the monitoring of one communication line/microphone for one thirty day period.										
OUTCOME	Changes in drug trafficking patterns based on successful investigative action refer to noted change in the drug trafficking activities of NCE as a result of law enforcement efforts, i.e., if Nigerian couriers carrying heroin into the United States via John F. Kennedy International Airport, New York City, are successfully identified upon entry into the United States, as drug couriers this would lead to a drug seizure and the courier's arrest. NCE would then realize the increased efforts of law enforcement in New York City and thus change their port of entry. NCE are very unique compared to other criminal enterprises in that they rapidly change their methods of operations to defeat the scrutiny of law enforcement.										
	The National Narcotics Intelligence Consumers Committee (NNICC) provides a comprehensive assessment of worldwide illicit drug related intelligence.										
	The figures supplied in this report have been agreed upon by the U.S. Government and for use by federal agencies having drug related enforcement responsibilities.										
	The percentage of heroin seized relates to the amount of heroin seized in the United States attributed to or traced to NCE.										

NAME OF DECISION UNIT: ORGANIZED CRIMINAL ENTERPRISES: Asian											
Type of Measure: Performance Indicators											
1994 1995 1996 1997 1998											
Actual Actual Actual Actual Actual Target Estimate Target											
DEMAND/WORKLOAD											
INPUT	Number of Investigative Matters	224	245	286	290	295	300				
	Asian Matters	134	111	127	133	145	145				
OUTPUT	Criminal Intelligence Support Program (CISP) operational in all affected field offices	No	No	No	No	No	No				
	ACE analysts hired, trained and utilized on ACE investigations	No	No	No	No	No	No				
	National ACE intelligence database fully operational and all affected offices online.	No	No	No	No	No	No				
	Group I & II UCO's initiated and extended.	6 Initiated 7 Extended	4 Initiated 7 Extended	3 Initiated 7 Extended	7 Initiated 7 Extended	9 Initiated 9 Extended	9 Initiated 9 Extended				
	T-III initiated, extended, # of lines monitored, spin-offs.	16 Initiated 14 Extended	23 Initiated 12 Extended 44 lines	24 Initiated 17 Extended 90 lines 6 Spin-offs	26 Initiated 20 Extended 52 lines 6 Spin-offs	26 Initiated 20 Extended 52 lines 10 Spin-offs	28 Initiated 23 Extended 55 lines 12 Spin-offs				
OUTCOME	RICO, CCE, Money Laundering indictments and convictions as a percentage of all ACE indictments and convictions.	N/A	32/315	45/345	51/320	64/238	60/300				
	Establishment and continuation of International Working Groups.	Yes	Yes	Yes	Yes	Yes	Yes				
	Extraditions and renditions of International ACE fugitives.	N/A	N/A	7	10	10	10				
	NNICC reports on importation, distribution, trafficking patterns and abuse supports continued emphasis on ADTEs.	Yes	Yes	Yes	Yes	Yes	Yes				
	Ability to identify, profile, assess, and prioritize ACE members and ACEs	No	No	No	No	No	No				

DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS			
Criminal Enterprises are specific groups identified as continuing criminal organizations that thrive on a pattern of racketeering activity fed by fear and motivated by greed.			
All ACE analytical data available to all field and FBIHQ managers for ACE matters.			
Title IIIs are court-authorized interceptions of telephone conversations between criminal subjects and their associates. This electronic surveillance technique is highly effective in producing the evidence needed to convict criminal subjects of RICO and CCE counts. Spin-off investigations are those Title IIIs generated by the intelligence and information from an already existing Title III investigation.			
RICO, CCE, and Money Laundering counts are quality indicators for OOD/Drug cases, because convictions under these statutes result in longer jail sentences, higher fines, forfeiture of assets and the removal of an ACE Criminal Enterprise and their economic base, and the disruption and destruction of the enterprise. These statutes are the means for implementing ETI and prosecuting the hierarchy and membership of an enterprise, as opposed to prosecuting individual members for lesser crimes. Stripping significant organized criminal enterprise and subjects of their assets through forfeiture orders is a technique for disrupting and destruction of the enterprise. These statutes are the means for implementing ETI and prosecuting the hierarchy and membership of an enterprise, as opposed to prosecuting individual members for lesser crimes. Stripping significant organized criminal enterprises and subjects of their assets through forfeiture orders is a technique for disrupting and dismantling their operations.			

NA - JF DECISION UNIT: ORGANIZED CRIMINAL ENTERPRISES		(Total) (1st Edition)			(Total) (2nd Edition)			(Total) (3rd Edition)			(Total) (4th Edition)			(Total) (5th Edition)		
	Number of Agents assigned to R/EE/CE matters.	10	48	55				60			60			60		
INPUT																
OUTPUT	Number of Racketeer Enterprises Investigations	9	20	32				35			35			35		
	Number of informants/cooperating witnesses (CWAs) reporting on R/EE/CE matters	139	271	310				300			300			300		
	Number of R/EE/CEs Identified	24	30	32				35			35			35		
	Number of pending cases	43	107	172				175			175			175		
	Number of international working groups	N/A	2	2				3			3			3		
	Number of international inservices/conferences/initiatives	N/A	4	4				4			4			4		
	Number of arrests/locates made through FBI assistance by:															
	a. FBI	10	23	41				45			45			45		
	b. State/Local Law Enforcement	9	6	7				7			9			11		
	c. R/EE/E Law Enforcement	N/A	N/A	N/A				N/A			10			15		
	Number of convictions obtained through FBI assistance by:															
	a. FBI	1	7	9				9			11			14		
	b. State/Local Law Enforcement	2	3	4				4			5			6		
	c. R/EE/E Law Enforcement	N/A	N/A	N/A				N/A			10			12		
OUTCOME	Amount (\$000) of recoveries/restitutions/potential of economic loss prevented by R/EE/E law enforcement through FBI assistance:															
	a. FBI	\$2,600	\$418	\$14,216				\$500			\$500			\$500		
	b. State/Local Law Enforcement	N/A	\$349	\$302				\$436			\$440			\$440		
	c. R/EE/E Law Enforcement	N/A	N/A	N/A				N/A			\$500			\$500		

NAME . . . DECISION UNIT:	Type of Measure	ORGANIZED CRIMINAL ENTERPRISES					
		Performance Indicators					
		1994	1995	1996	1997	1997	1998
		Actual	Actual	Actual	Target	Estimate	Target
INPUT	Number of Agents Assigned to Dominican Investigations	N/A	N/A	70	70	70	70
	Percentage of # Cases enhanced through intelligence	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Joint Investigations Initiated	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Field Office submissions to SOD/OIU	N/A	N/A	N/A	N/A	N/A	N/A
OUTCOME	Number of Group I & II Undercover Operations	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Title IIIs	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Indictments	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Arrests	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Convictions	N/A	N/A	N/A	N/A	N/A	N/A
	Amount of Assets seized	N/A	N/A	N/A	N/A	N/A	N/A
	# Events resulting in disruption or dismantlement of DCEs	N/A	N/A	N/A	N/A	15	15
	Group I and II Undercover Operations are types of FBI investigative techniques generally using undercover agents or cooperating witnesses to obtain direct evidence of criminal acts. The two are distinguished by authority granted as to duration and scope.						
	Title IIIs are court authorized interceptions of criminal conversations and other electronically transmitted data among co-conspirators. They are an important investigative technique when obtaining evidence of complex criminal activity. For tracking purposes, "one" Title III is the monitoring of one communication line/microphone for one thirty day period.						
	Dismantlement of a criminal enterprise results when, because of the arrest of key members and seizure of assets, the enterprise no longer operates as a structured, organized and coordinated group. Disruption occurs when, due to the same law enforcement activity, the organization's effectiveness is significantly diminished for a period of time.						

**Federal Bureau of Investigation
Salaries and Expenses
Justification of Program and Performance
(Dollars in thousands)**

	Perm. Pos.	FTE	Amount
White-Collar Crime			
1997 Appropriation Anticipated	4,159	3,993	\$395,236
1998 Base Anticipated	4,160	4,010	404,948
1998 Estimate	4,250	4,055	414,460
Increase/Decrease	90	45	\$ 9,512

BASE LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: White Collar Crime (WCC) involves illegal acts characterized by deceit, concealment, or violation of trust, which are generally not dependent upon the application or threat of physical force or violence, which are committed by individuals and organizations to obtain money, property, services, or to secure personal or business advantages. White Collar Crimes cost U.S. citizens and businesses billions of dollars annually, and contribute to a potential loss of confidence in institutions, industry, and public officials. The FBI has identified eleven priority areas of White Collar Crime: financial institution fraud, securities and commodities fraud, insurance fraud, telemarketing fraud, bankruptcy fraud, fraud against the government/antitrust violations, international fraud/money laundering, computer crime, environmental crime, and public corruption and health care fraud.

The FBI's WCC Program includes funds in Salaries and Expenses and Health Care Fraud Enforcement reimbursable resources. The Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, provides for 497 reimbursable positions (296 agent) and \$47,000,000 in 1997. This provision includes a base transfer of 420 direct positions/FTE (250 agent) from the White Collar Crime Salaries and Expenses to the Health Care Fraud Enforcement reimbursable account. In 1998, P.L. 104-191 provides the FBI 569 positions (340 agent), 533 FTE (318 agent) and \$56,000,000 for health care fraud enforcement.

Health Care Fraud: Health care expenditures in 1996 are estimated to exceed \$1 trillion, of which \$100 billion is estimated to be fraudulent. Left unchecked, health care expenditures could climb to \$1.6 trillion by the year 2000 and consume more than 16 percent of the gross national product. Large-scale fraud schemes are perpetrated in virtually every sector of the American health care delivery system. The most egregious and costly offenses in health care fraud involve: staged accidents, worker's compensation claims, laboratory scams, psychiatric hospitals, ambulance services and medical transportation fraud, home health care fraud, durable medical equipment (DME) fraud, and nursing home fraud.

Throughout the United States, organized criminal groups have compromised doctors, chiropractors and attorneys. These groups establish storefront clinics, diagnostic testing

companies and bogus law offices. They stage phony car accidents. As part of the scheme, phony patients visit the clinics, generating bills for exaggerated medical procedures provided, including unnecessary tests for MRI's, x-rays, and other sophisticated services billed to the insurers.

DME companies often pay kickbacks to doctors, nursing homes, and hospitals for obtaining supply contracts. These unscrupulous businesses easily target Medicare and private insurance companies. Subjects of DME fraud investigations have used aggressive telemarketing scams to fraudulently bill for unnecessary DME, supplies and services. Other subjects obtain patient lists from nursing homes and routinely bill for products or services that are neither needed nor rendered. In addition, frauds committed by clinics, particularly diet clinics involve the soliciting of patients with promises of weight loss at a nominal expense. The clinics may require patients to undergo a cursory psychological exam, a series of blood tests, x-rays, and other ancillary tests. These services are then billed to insurers under the false pretense of a manufactured psychological malady. A typical laboratory scan involves marketing schemes whereby doctors are encouraged to order a particular automated panel of blood tests to which extra tests which are not medically necessary have been added. The doctors are led to believe that there is little or no extra charge for the additional tests; however, the labs then bill Medicare and other health care plans the full price for the additional tests. This scheme results in the submission of hundreds of millions of dollars of false claims for medically unnecessary laboratory tests to federal, state, and private health care programs.

Private insurers and the Government lose millions of dollars annually to phony automobile accident and "slip and fall" claims. Ongoing proactive investigations show that Federal, State, and private insurers lose billions of dollars in medical and liability claims for bogus injuries. Nursing homes and hospitals often fraudulently bill insurers. False billing by health care providers generally occur when services were never rendered, or when service was rendered but a more expensive procedure was billed, or the diagnosis code was altered to justify a more expensive treatment or procedure. In addition, some instances allow home health care as an alternative for inpatient hospital treatment. In such instances, home health care providers have paid kickbacks to hospital staff and doctors for patient referrals.

Another area susceptible to health care fraud is the medical transportation business. Transportation companies bill for emergency conveyance when no "emergency" existed, trips involving nonexistent oxygen use, and charging for a higher than average mileage per trip. In a recent investigation, an ambulance company, as part of a massive Medicare fraud scheme, engaged in threatening employees of their competitors to establish territory.

The FBI has developed a national strategy designed to produce a long-term, extensive positive impact on health care fraud. The six elements of this strategy include: (1) a team approach involving State, and other Federal law enforcement and regulatory agencies; (2) the increased use of sophisticated investigative techniques, including undercover operations; (3) the aggressive use of asset forfeiture and money laundering statutes; (4) an effective blend of criminal, civil, and administrative enforcement; (5) the utilization of national initiatives; and (6) the identification of "target rich" areas of health care fraud. The FBI realizes the need to blend the efforts and talents of its agents with personnel from other law enforcement and regulatory agencies, including State law enforcement agencies. Although several law enforcement agencies, both Federal and State, have responsibility for investigating health care fraud allegations, the FBI is the only Federal investigative agency with plenary authority to investigate all health care offenses. For example, the U.S. Department of Health and Human Services (HHS), Office of Inspector General (OIG), is authorized to conduct civil, administrative and criminal investigations of frauds associated with the Federal Medicaid/Medicare program, while the Postal Inspection Service, which is authorized to investigate fraud schemes that use the U.S. mail system, generally investigates frauds perpetrated against private insurers, and the Defense Criminal Investigative Service (DCIS), investigates frauds committed against the military's CHAMPUS

program. The FBI's authority extends beyond specified Federal programs and includes all victims of the crime, whether Federal programs or private insurance companies, business entities or individuals are involved.

The FBI's strategy includes the use of sophisticated investigative techniques such as undercover operations, telephone intercepts and video and audio surveillance, to develop valuable evidence to prove beyond a reasonable doubt that health care fraud has been committed. Historical approaches often do not accurately account for the extent of fraud committed. In addition, proactive investigative techniques produce a greater positive impact and often serve as a deterrent to others. The FBI is using various sensitive and sophisticated investigative techniques to investigate cases involving false billings, false testings, kickback schemes, and over-billings. The FBI plans to expand these investigative techniques into the areas of patient referrals concerning fraudulent laboratory schemes and emergency and non emergency medical transport companies involved in the falsification of medical necessities, trips and medical services rendered.

The FBI has demonstrated that asset forfeiture and money laundering statutes are tremendously effective tools in criminal investigations. The FBI has expanded the use of asset forfeiture and money laundering statutes to include health care fraud investigations. Recent Supreme Court decisions have allowed law enforcement greater flexibility concerning asset forfeiture. The FBI expects to expand its use of asset forfeiture in the health care fraud to ensure that criminals do not retain their ill-gotten gains.

Resource availability and prioritization of criminal cases often result in prosecution being reserved for only those cases involving the most egregious instances of fraud. Other forms of corrective action are taken to address the less severe fraud cases and augment the deterrent effect of prosecution. Civil recoveries and fines, and exclusion from Government insurance programs are used against health care fraud violators.

Financial Institution Fraud: Financial institution failure investigations peaked in July 1992 with 758 active cases. As of September 30, 1996, there were 247 pending bank failure investigations. However, major financial institution fraud cases (losses in excess of \$100,000) have increased significantly during the past five years. Outsider fraud now accounts for more than 60 percent of the criminal referrals provided to the FBI by financial institutions. During the past several years, a number of new and complex financial crimes have developed, including negotiable instrument fraud, credit card fraud and money laundering. These schemes often involve sophisticated counterfeiting techniques. Advances in technology, use of computers and international banking have contributed to the complexity and severity of frauds being perpetrated. In fact, the financial industry continues to sustain losses annually of \$40 billion due to fraud.

Further increasing the problems posed to the law enforcement community is the increase in organized and international criminal groups involved in check fraud. There are \$0 billion checks written annually worldwide, 60 billion of which are written in the U.S. Many organized groups have immigrated to this country to study and analyze the American banking system, noting the deficiencies relative to negotiable instruments and the inherent fraudulent opportunities underlying our open system.

Another area of financial institution fraud is mortgage fraud. The banking industry estimates that it annually processes up to \$600 billion in mortgage loans, which result in estimated losses of \$30 billion. An FBI analysis of Criminal Referral Forms shows that 26.9 percent of reported losses are from loan fraud. Many mortgage loan fraud activities are committed by collusive groups of individuals involved in the loan application process, including loan brokers, appraisers, accountants, and attorneys.

In 1997, the FBI plans to continue to focus investigative resources on check fraud/counterfeit negotiable instruments. To combat this growing problem, the FBI has instituted a national check fraud/counterfeit negotiable instruments initiative. The initiative targets various organized ethnic groups involved in illegal activities. Regardless of ethnic origin, groups involved in check fraud maintain certain universal characteristics. These groups are loosely organized and are distrustful of anyone outside their ethnic heritage and, therefore, are difficult for the law enforcement community to infiltrate. To combat check fraud and counterfeiting by these groups, the FBI is utilizing a number of proactive and sophisticated investigative techniques, including undercover investigations, consensual monitoring and Title III wiretap interceptions. The FBI has also initiated a national loan fraud initiative, with specific concentration in mortgage loan fraud. These cases are predicated on information obtained from numerous sources in addition to criminal referrals and usually target loan brokers, appraisers, accountants, and attorneys engaged in conspiracies to defraud financial institutions for personal gain.

Securities and Commodities Fraud: Securities regulators estimate securities fraud losses as \$40 billion in the United States. With the internationalization of the securities market and the technological advances in computer and communication systems, the development of offshore "boiler rooms" and other investment schemes is an increasing concern to the FBI. Secrecy laws and regulatory differences in the international securities market make law enforcement efforts increasingly more difficult. Securities fraud investigations are becoming more complex as more complicated investment vehicles are developed to obtain higher yields. A 1994 Department of Justice (DOJ) study shows the groups committing this crime comprise 54 percent brokers, 14 percent issuers, 25 percent investment advisors, and 7 percent accountants.

The FBI and DOJ have adopted the position that the efficiency and effectiveness of the securities market are substantially enhanced by maintaining consistent levels of successful prosecutions of securities fraud violations. To that end, the FBI has concluded the first phase of a national securities fraud initiative, by which 11 brokers were charged and arrested regarding their misappropriation of monies from client accounts. In light of the success accomplished during the first phase of the national securities initiative "Rogue Brokers," the second phase of this initiative is being planned for June of 1997. It is anticipated that approximately 50 cases involving 20 field offices will be presented for prosecution. In utilizing proactive investigative techniques, 46 individuals were indicted relative to the undercover operation entitled "Thorcom." Thorcom was designed to target stock promoters who are paying kickbacks to brokers to induce the brokers to sell the promoters stock to the brokers retail customers. The FBI will continue to use investigative techniques that have proven successful in the past, such as undercover operations and other sophisticated techniques.

The FBI will continue to establish and maintain working relationships with State and Federal securities regulatory agencies that may not be active participants in ongoing working groups. In addition to conducting investigations targeting securities and commodities fraud, the FBI participates in the Securities Fraud Working Group, which is a multi-agency forum that meets quarterly to discuss emerging issues relative to securities fraud and growing trends within the financial markets. This working group is instrumental in educating the industry to monitor itself and alert law enforcement of fraudulent practices.

Insurance Fraud: The National Insurance Crime Bureau estimates at least 10 percent of all property and casualty claims are either inflated or fraudulent and result in an estimated \$18 billion a year in fraudulent claims. The insurance industry is uniquely susceptible to fraudulent abuse since the very nature of insurance involves prepayments for future services relating to events which may or may not occur at some later time. The United States has more than 5,000 insurance companies that hold almost \$700 billion in assets and employ 1.9 million people.

Public concern about the price of insurance and the solvency of the insurance industry has prompted both internal and external reviews of the various insurance cost elements. According to recently published studies and reports, fraud is clearly among the most prominent cost components. In part, because of its hidden nature, insurance fraud has become

one of the most prevalent and costly white collar crimes. A common trend in insurance fraud cases is the use of foreign corporations and entities to move stolen funds offshore to hinder regulators and law enforcement. Most FBI cases fall into areas where there is diminished regulation. These areas include offshore reinsurance treaties, insurance written on a surplus line basis, risk retention groups and multiple employer welfare arrangements.

The FBI is expanding its efforts in addressing emerging insurance fraud problems particularly in those cases in which the fraud identified has contributed to the insolvency of the insurance company. Through enhanced liaison efforts, the FBI participates in the Insurance Fraud Working Group, chaired by the DOJ Fraud Section, and has working relationships with other professional organizations such as the National Association of Insurance Commissioners.

The FBI has identified emerging crime problems through an expanded intelligence base and the ability to ensure that proactive techniques are being utilized to enhance these investigations. The FBI uses undercover operations and other sophisticated techniques to target unlicensed companies involved in the fraudulent use of assets and premium diversion schemes. Several proactive investigative techniques are being employed within the insurance fraud arena to include the undercover operation "Risky Venture," which was designed to identify and infiltrate the operations of individuals profiting as a result of fraudulent insurance activity.

Computer Crimes: The annual economic and security loss resulting from all computer crimes is difficult to ascertain due to the lack of reliable statistics. The commercial and financial sectors have declined to report their own vulnerabilities for fear of inspiring attacks. On June 5, 1996, the U.S. Senate Permanent Subcommittee on Investigations held a hearing on security in Cyberspace. The Subcommittee conducted an eight-month study on the vulnerabilities of our National Information Infrastructure (NII) and the efforts by our government to promote security. The Subcommittee reported that our Nation is in need of a comprehensive strategy that addresses vulnerability of our information infrastructure. Advances in computing and networking have affected virtually every aspect of our society, including civilian government, the military, communications, transportation, and commerce. The Cyberspace Achilles' heel is the NII, a ganglia of cables and wires that link computer systems including the public switched networks, cable and wireless and satellite communications. The United States infrastructure includes those systems and facilities comprising institutions and industries that provide a continual flow of goods and services essential to the defense and economic security of the United States and to the functions of government at all levels and to society as a whole. This includes telecommunications, energy, medical, transportation, and financial systems and government operations and national defense.

The Department of Defense created the Internet to maintain vital communications in case of nuclear war, but now that system has deteriorated. At its inception, the security aspect was not a primary focus. The national and economic security of the United States rests on the capability to rapidly exchange information in a consistent, secure, and reliable manner. The United States communications and information industries have developed the most technologically advanced systems in the world. The disruption of these capabilities and systems would have immediate and severe consequences for every facet of government and industry, and individual citizens. As the reliance on communications and information systems has grown, the vulnerability to subtle and hostile intrusions and attacks on these systems have grown proportionately. The Congress and the private sector have increased their concerns about the security of the Nations' infrastructure.

In 1995, the Computer Emergency Response Team (CERT), a federally funded team at Carnegie-Mellon University, Pittsburgh, Pennsylvania, reported a marked increase in intrusion activity and sparked a new call for heightened security on the global computer network. CERT noted that it anticipated a continued rise in intrusion reports, but that it believed more attacks are going undetected. CERT has tabulated intrusion reports since 1988, when only seven incidents were reported. In 1991, CERT received reports of 406 intrusion incidents, and in 1995 the number had risen to 2,412 incidents. During the same period, CERT reported a rise in intrusion incident-related mail messages from 9,629 to

32,084. During the first half of 1996, CERT received 850 intrusion incidents. CERT notes that an "incident" may involve an intrusion into one site or hundreds or even thousands of sites. When the CERT Coordination Center was established, the Internet had approximately 80,000 hosts. Since then, the Internet has grown to more than 9.5 million hosts and continues to grow at a rapid pace.

The FBI has identified illegal electronic intrusion into America's major computer networks as a current and rapidly escalating crime problem. White-collar crime criminals, economic espionage agents, organized crime members, foreign intelligence services, and terrorist groups have been identified as "electronic intruders" responsible for penetrations of America's major computer systems. The FBI has jurisdiction to investigate computer intrusions under the Computer Fraud and Abuse Act of 1986, Title 18, United States Code, Section 1030. Because of an increase in reported computer-related fraud, the FBI has established Computer Investigations and Infrastructure Threat Assessment Teams (formerly called National Computer Crime squads) in New York, Washington, D.C., and San Francisco FBI field offices to investigate illegal computer intrusions associated with white-collar crime.

While these squads are addressing illegal computer intrusions into the nation's major computer networks, no centralized location existed in the United States to coordinate and support their investigatory efforts or the related efforts of other Federal agencies within the law enforcement and intelligence communities. To protect the NII from intrusion by criminals and hostile foreign governments, along with providing effective support for the investigatory responsibilities of the FBI's computer crimes squads, the FBI established the Computer Investigations and Infrastructure Threat Assessment Center (CITAC), based at FBI Headquarters, Washington, D.C. CITAC represents an innovative and effective plan to coordinate national efforts involving computer crime investigation and threats to the NII.

The FBI has demonstrated its ability to coordinate resources from Federal, State and local law enforcement, and the private sector. Further, present law prohibits the monitoring of electronic communication systems without court authority. Therefore, the FBI's ability to use Title IIIs to monitor the data transmissions and thus identify an attacker's origin and identity provides the FBI with an effective tool to combat this crime.

Telemarketing Fraud: Telemarketing is a legitimate means of soliciting business. Industry estimates that 3.4 million people are employed in the telemarketing industry and that up to \$600 billion annually is spent on, or in response to, telemarketing. The mendacious and deceitful operators in this industry use telemarketing to facilitate their fraudulent activities and are estimated to cost consumers \$40 to \$60 billion per year. Telemarketing fraud significantly impacts the older Americans, who are estimated to comprise over one-third of telemarketing victims, based upon an FBI sample analysis and often lose their entire life's savings. Telemarketing fraud is defined as those crimes which rely on the use of the telephone to contact the victim during which the products or services offered are materially misrepresented. Since the telemarketer's tools of trade is the telephone, they can literally strike to and from anywhere in the country, at any time. A fraudulent telemarketer, armed with an assumed name, a fraudulent pitch and a prepaid phone card can call from a Las Vegas phone booth to a farm in Nebraska and follow up by bliking a victim in Vermont. By using mail drops and wire services, the perpetrators often take the money and disappear without a trace before a victim realizes they were defrauded. While efforts to combat telemarketing fraud have led to charges being filed against more than 800 individuals in "Senior Sentinel," the telemarketing fraud crime problem in America is continuing and pervasive.

Telemarketing fraud can be a difficult crime to investigate. The typical owner/operator of a fraudulent telemarketing firm uses multiple aliases, telephones, mail drops, and

business locations. Criminal telemarketers can change their method of solicitation, product line, and other recognizable traits overnight. Their operations are mobile and their schemes are complex. To further complicate matters, the victims are often too embarrassed or complacent to report the crime.

The FBI will continue its aggressive efforts targeted against telemarketing fraud by utilizing sensitive and proactive investigative techniques that have proven successful in the past. The FBI will target telemarketing schemes occurring over the Internet and will franchise the successful operation to decrease the number of telemarketing frauds committed in the U.S.

Fraud Against the Government: The U.S. government expends more than \$500 billion a year in discretionary domestic programs. Fraud within these programs affects the very stability of the economy and undermines the programs. Fraud Against the Government investigations cover programs administered by the Department of Defense (DOD), Department of Housing and Urban Development (HUD), Department of Transportation (DOT), Department of Education (DOED), and other Executive Branch entities.

The DOD spends more than \$240 billion annually. DOD operates 5,000 installations and employs more than five million people, including military and civilian workers. The large amount of surplus material valued at \$300 billion per year for the next five years will attract unscrupulous individuals, including extremist organizations looking to capitalize on this loosely monitored system. The FBI is maximizing its resources dedicated to Fraud Against the Government by identifying and targeting the most egregious frauds in connection with Government procurement and entitlement programs by using joint investigations with the Inspector General community and task forces with other Federal and local agencies. The FBI has initiated Fraud Against the Government investigations through joint efforts with the Defense Criminal Investigative Service (DCIS), the Naval Criminal Investigative Service (NCIS), the Army Criminal Investigative Division (ACID), the Federal Aviation Administration (FAA), and the various Offices of Inspector General (OIG). Currently, the FBI, DCIS and various military intelligence agencies are targeting procurement fraud on a national basis. The investigations encompass many FBI field offices in a coordinated undercover effort.

Programs within HUD are diverse and extensive. Insured loans and guarantees exceed \$750 billion a year. Housing subsidies serve more than four million families throughout the U.S. Virtually every State and city in the country receives some form of HUD grants.

"Bogus parts" represent a serious fraud problem negatively affecting DOT. This problem involves the substitution of inferior parts or surplus and scrap parts for certified aircraft parts by unscrupulous companies in an attempt to increase their profits illegally. This criminal problem negatively affects military and civilian aviation. The size of this problem is indicated by one company, serving the aircraft parts industry, that offered more than 26 million aircraft parts for sale. The FBI is involved in a defective critical aircraft parts initiative that began with a Group 1 undercover operation. This initiative continues to focus on aircraft parts suppliers who knowingly manufacture and distribute defective aircraft parts. Recognizing the grave implications associated with this type of crime, the FBI, DOD, and members of the civilian aviation community are addressing this crime jointly. Two additional major Group 1 investigations have just concluded: two are still ongoing, and may continue into 1998. The role of the FBI is to attempt to detect those persons and companies who knowingly engage in and fraudulently misrepresent airplane parts as tested and approved when they in fact are not. In addition, the FBI anticipates expanding the recent defective critical aircraft parts initiative through continued joint investigations with the DOD and members of the civilian aviation community.

Fraudulent activities negatively affect the \$3.0 billion in ship repair/ship management contracts awarded by the DOD and DOT annually. Corruption is endemic and involves corrupt contractors, union officials, Government officials, and uniformed military personnel. The FBI will expand its current maritime procurement fraud initiative along the eastern and gulf seaboard with DCIS, NCIS and the DOD Office of the Inspector General (DOOIG). This operational initiative addresses fraud and corruption in the maritime industry. Currently, five FBI field offices are involved in Group 1 undercover operations addressing the endemic corruption involving contractors, union officials, government officials, and uniformed military personnel.

Motor fuel excise tax fraud estimated to be at least \$1 billion annually continues to be a major investigative effort by the FBI, DOT, and the Internal Revenue Service.

The Department of Education (DOED) administrators, controls and disburses more than \$24 billion in student financial assistance programs, contracts, and awards. Additionally, in 1996, the DOED loan portfolio totaled more than \$40 billion. The amount of these financial assistance programs, contracts, and awards and the critical application of the products procured dramatically increase the potential for fraud and corruption.

Antitrust: The U.S. antitrust laws safeguard the competitive process in the U.S. economy. Since 1890, when Congress passed the Sherman Act, antitrust laws have played a crucial role in creating and preserving the environment of economic opportunity that has transformed the U.S. into the most open, dynamic, and competitive economy in the world. Antitrust investigations involve a conspiracy among companies in the same industry to engage in any or all of three types of criminal activity: collusion to fix the outcome of a competitive bidding process, allocating portions of a market between co-conspirators, and fixing prices. The antitrust laws affect most industries and apply to every phase of business, including manufacturing, transportation, distribution, and marketing. They prohibit a variety of practices that restrain trade, such as price-fixing conspiracies, corporate mergers likely to reduce the competitive vigor of particular markets, and predatory acts designed to achieve or maintain monopoly power. The DOJ Antitrust Division prosecutes serious and willful violations of the antitrust laws by filing criminal suits that can lead to large fines and incarceration.

In the past, U.S. antitrust enforcement was focused domestically. The rich U.S. domestic market is the most open in the world to international trade and, therefore, the most attractive and potentially most vulnerable to international cartels. Due to the globalization of the world economy, law enforcement concentration on international matters must continue to ensure that U.S. firms and consumers are playing on a level playing field with those foreign firms that enjoy access to the U.S. domestic market. Nearly one quarter of the Gross Domestic Product (GDP) is comprised of export and import trade. An increasing number of cases have international consequences, and concern about unfair competition for U.S. corporations abroad is increasing.

Antitrust violations can be difficult to identify and investigations tend to be lengthy, "document heavy," and heavily dependent on confidential witnesses. Costs to the public can be enormous, but are typically well hidden and/or spread widely. The investigation and prosecution of these cases are often substantially enhanced by using electronic monitoring techniques. Federal law, Attorney General Guidelines and the Code of Federal Regulations (CFR) confer the FBI the authority to investigate and DOJ the authority to prosecute violations of Federal criminal and certain civil law violations.

The FBI responds to the Antitrust Division's requests for investigative assistance by providing FBI agents trained to investigate antitrust violations. The Antitrust Division of the

DOJ has 776 positions (330 attorneys), the FBI's has eight agent personnel investigating antitrust violations. In 1996, the Antitrust Division filed 42 criminal cases, with the FBI assisting in 32. In 1996, the Antitrust Division imposed a record number of corporate fines totaling \$45 million.

Environmental Crimes: Cost estimates related to cleaning up the environment range in the hundreds of billions of dollars. As Government entities and private companies downsize, the pressure increases to cut overhead and production costs, and it adds to the temptation to handle and dispose of hazardous materials improperly to save money. Government contracts include provisions for the proper disposal of such materials. Failure to properly dispose of these materials is tantamount to fraud against the government. Moreover, clean up costs for the illegal dumping of hazardous materials, when responsible parties are not identified, are borne by local, State and Federal taxpayers.

Environmental crime is expected to increase as authorized hazardous disposal sites become full and as increased costs of legitimate disposal result in financial incentives for those dealing in hazardous waste disposal. To date, there is no good, quantified estimate of the extent of all types of environmental crimes, but best estimates are that 247-275 million metric tons of hazardous waste are generated every year. Environmental crimes vary from community to community and from industry to industry, but the five types of offenses most commonly occur are the illegal transportation and disposal of hazardous waste and hazardous materials, used tires, construction and demolition debris, used appliances, and vegetative waste.

The FBI's Environmental Crimes Program is shifting towards more complex investigations with larger community impact. An average of 400 to 450 matters are under investigation at any given time. The FBI's strategy for environmental crimes is to identify environmental crimes causing the greatest harm to the public and the environment and to increase FBI effectiveness through liaison and cooperation with government agencies whose expertise and resources can augment FBI environmental crimes program. The FBI initiates and coordinates investigations involving illegal disposal of hazardous materials by using sophisticated investigative techniques, including undercover operations.

Bankruptcy Fraud: Filings for bankruptcy relief exceeded one million in 1996, of which 10 percent are estimated to contain fraudulent information. There have been no reliable estimates of the total dollar costs of bankruptcy fraud. The U.S. Government is the largest creditor falling victim to bankruptcy fraud. Investigations are typically the result of referrals from many sources, but primarily originate from the Office of the U.S. Trustee or the bankruptcy panel trustees. The FBI charged more than 125 subjects in connection with "Total Disclosure" a bankruptcy fraud initiative and more charges will be filed in this continuing initiative in 1997.

Public Corruption: Public corruption matters are among the most sensitive and complex investigations conducted by the FBI. These investigations involve allegations that public officials have abused their position of trust violating Federal law. Betrayals of public trust, at any level, are extremely threatening to the existence of government and if allowed to exist, place the government at risk.

The financial impact of public corruption is difficult to ascertain and may not be the most serious consequence of the activity. Public corruption not only undermines the faith and confidence of the public in individuals in government, but it also destroys the public's belief in the democratic institutions upon which this country is founded. The public corruption crime problem focuses on allegations of corruption by Federal, State and local public officials in judicial, legislative, law enforcement, contractual, and regulatory positions.

Integrity in all law enforcement agencies is paramount to ensure public confidence and continued success in the mission of every law enforcement agency. To more clearly define and to appropriately address law enforcement corruption, the FBI has undertaken several initiatives to better understand the law enforcement corruption problem that has plagued police departments.

The FBI places emphasis on systemic law enforcement corruption, particularly law enforcement drug-related corruption. Historically, corrupt police officers were paid to "look the other way" as criminal enterprises conducted their business. FBI intelligence, recent studies, and the results of several major cases have confirmed a new breed of corrupt officers, more violent, more organized, and now more likely to participate in the crime rather than merely to protect it. A major element of the law enforcement corruption crime problem concerns the Southwest Border. FBI intelligence has identified prolific drug trafficking and public corruption occurring along the United States and Mexico border. The identified corruption involves principally Mexican Drug Trafficking Organizations (MDTOs) and Federal law enforcement officials charged with the responsibility of preventing the flow of drugs across the border.

Besides using creative and complex undercover operations targeting corrupt officers in many major police departments, the FBI collaborated with the Major City Chiefs Association that sponsored a group of ranking officers from various major law enforcement agencies around the country to research and discuss police corruption issues. The FBI participated in this group and published a collection of papers regarding the nature of the crime problem and proposals on how to maintain integrity in law enforcement agencies. The results of this study, which were distributed to approximately 2,000 police agencies around the country, clearly document the magnitude of this crime problem completed. Because of the egregiousness and potential impact of a corruption allegation, the FBI addresses each violation thoroughly and expeditiously.

The FBI is developing a preventive strategy in law enforcement corruption utilizing information from FBI investigators, local law enforcement officials, and other national experts. The strategy involves a plan to include one or more police officers to be assigned to FBI Headquarters to participate in a project to create a model strategy for the solution of endemic law enforcement corruption. This strategy would be based on and further develop the initiatives and study prepared with the Major Cities Chiefs of Police. The FBI is expanding this model strategy to help the international law enforcement community with the growing law enforcement corruption problem abroad.

Historically State and local law enforcement have held that public corruption allegations are a local problem and have tried to reduce Federal involvement. The FBI has found that State and local law enforcement personnel are not trained to handle corruption and that some agencies cannot police themselves. Because of the seriousness of the overall corruption crime problem, the FBI and Federal prosecutors have taken a more aggressive role in investigating and prosecuting widespread corruption at the Federal, State, and local levels. Often, the extent of the corruption is so pervasive that only an outside law enforcement agency, like the FBI, can address the problem.

Increasingly, because of the expertise the FBI has developed, State and local entities have begun to request the FBI to assist with the corruption problem, extensively law enforcement corruption. Often, police department Internal Affairs Divisions, which are charged with the responsibility of identifying misconduct and corruption and ensuring integrity within a department, seek FBI assistance to resolve these complex investigations.

The FBI is uniquely equipped to address sensitive and complex allegations of public corruption. Accordingly, the FBI has developed the necessary intelligence to authoritatively

address the overall corruption crime problem and to develop proactive successful investigations to resolve corruption allegations. These investigations have provided the FBI with a wealth of experience concerning the many sensitive issues that arise during such investigations. Also, the FBI has developed an effective procedure for corruption investigations that includes the creative use of sophisticated investigative techniques such as undercover operations and court-authorized electronic surveillance.

Three cases that exemplify FBI-developed successful procedures for corruption investigations are the "DIRTY THREE" in Atlanta, the "SHATTERED SHIELD" in New Orleans, and the "BROKEN FAITH" in Washington, D.C. In each of these cases the FBI used undercover operations. In the "DIRTY THREE," two officers have pled guilty and have cooperated with the investigation. As a result, four officers were tried and convicted. Eight additional officers were suspended and are still under investigation. In "SHATTERED SHIELD," 11 New Orleans Police Department officers were charged with corruption through drug conspiracy charges. One officer and two criminal associates were charged in a Federal indictment under civil rights statutes for the murder of a complainant in a civil rights matter. Two officers pled guilty, and the corruption cases on the other nine officers were delayed until the civil rights charges are adjudicated. In the "BROKEN FAITH," 12 police officers were convicted on 17 of 18 counts. Each defendant was sentenced to 49 years incarceration.

International Fraud/Money Laundering: White collar crimes produce billions of illicit dollars annually. To enjoy the fruits of these criminal activities without raising the suspicion of law enforcement, the undeserved profits must be laundered to make money appear legitimately gained. Money laundering is an inherent part of white-collar crime. The Office of Technology Assessment estimates that up to \$300 billion is laundered annually: \$85 billion relating to Drugs/Organized Crime activities and \$215 billion relating to White Collar Crime, Violent Crime and Terrorism activities.

The significant reasons to investigate and prosecute money laundering offenses include: (1) the ability to prosecute peripheral players that support criminal enterprises through laundering activity; (2) money laundering statutes have 20-year maximum terms of imprisonment; and (3) money laundering statutes are a predicate offense for asset forfeiture actions which can be used to dismantle criminal enterprises and recover losses. The FBI pursues money laundering investigations as an adjunct to substantive offenses for which it has investigative jurisdiction. The FBI is working with domestic and foreign intelligence agencies to identify financial institutions involved in international money laundering activities. The FBI works with the Financial Action Task Force (FATF) providing information concerning current trends and issues regarding international money laundering activities. The FATF serves to have countries around the world enact laws to address money laundering.

The FBI has identified money laundering havens around the world and developed initiatives to address these criminal activities. For example, the FBI has teamed with the United Kingdom authorities and formed the White Collar Crime Investigative Team (WCCIT). WCCIT investigates fraud and non narcotic money laundering activities that impact upon the U.S., the United Kingdom and its British Caribbean Dependent Territories (BCDTs). FBI agents, British police officers and BCDT officers jointly investigate complex and multinational fraud and white collar crime money laundering cases. This structure provides the necessary investigative expertise as well as the requisite access to pertinent evidence. Due to the success of this initiative, law enforcement representatives from other countries have approached the FBI to expand this team to other parts of the Caribbean. Discussions have taken place with officials from Bermuda and the Netherlands Antilles in this regard. Thus far convictions have been obtained in investment scams and insurance frauds. In another case involving an advance fee scheme, the FBI seized \$7.5 million dollars.

LONG-RANGE GOAL: To reduce the loss to the economy of the United States and the personal hardships brought on our citizens by white-collar crimes including: health care fraud, financial institution fraud, securities and commodities fraud, insurance fraud, computer crimes, telemarketing fraud, fraud against the government/antitrust, environmental crimes, bankruptcy fraud, public corruption, and international fraud/money laundering.

MAJOR OBJECTIVES:

- To identify, investigate, and prosecute organized groups involved in major priority WCC criminal activities.
- To further develop, refine, and maintain a quality national intelligence base to ensure FBI resources are applied to address the most serious WCC offenses.
- To increase investigative efforts on computer crimes, especially crimes involving theft, impairment and intrusions.
- To identify, investigate, and obtain prosecution of individuals involved in health care fraud.
- To concentrate additional investigative efforts on health care fraud, particularly fraudulent practices in ambulatory services, laboratory services, and worker's compensation
- To provide investigative assistance to the DOJ for investigations of antitrust violations.
- To strengthen FBI WCC intelligence and investigate capabilities through building partnerships with various industry segments victimized by such acts, especially in the health care and computer industries.

PROGRAM INCREASES: For 1998, the White Collar Crime decision unit proposes program increases of 90 positions (54 agents), 45 FTE, and \$9,512,000 for the FBI's Technology Crimes and Southwest Border initiatives. The Technology Crime increase includes 36 positions (34 agent), 28 FTE and \$5,945,000 to establish computer crime Teams to address computer crime matters related to criminal violations. The Southwest Border request includes an increase of 34 positions (20 agent), 17 FTE and \$3,567,000 to address public corruption of public officials by the Mexican Drug Trafficking Organizations along the Southwest Border of the United States.

Initiative: Technology Crime

Item: Computer Investigations and Infrastructure Threat Assessment Teams - 56 Pos., 28 FTE, \$5,945,000

On July 15, 1996, the President signed Executive Order 13010, which designates the FBI as the lead agency for coordinating and conducting the U.S. government's protection, prevention, response, and restoration actions against criminal, terrorist, and foreign power threats to the critical information and physical infrastructure of the Nation. The FBI has

developed a strategy for addressing its new mandate to protect the critical infrastructure of the United States. The FBI has identified illegal electronic intrusion into America's major computer networks as a current and rapidly escalating crime problem. While-collar crime criminals, economic espionage agents, organized crime members, foreign intelligence services, and terrorist groups have been identified as "electronic intruders" responsible for penetrations of America's major computer systems. Adding to the complexity of managing the investigation of computer crime is the number of "predicate offenses" under which computer-facilitated crime may be prosecuted. Violations of traditional computer crime often also involve predicate offenses such as bank fraud and embezzlement, extortion, mail fraud, racketeering enterprises, financial institution fraud, bankruptcy fraud, smuggling, antitrust violations, illegal interception of communications, money laundering, credit card fraud, public corruption, fraud by wire, copyright violations, and espionage.

The FBI views illegal electronic intrusion into America's major computer networks as a current and rapidly escalating crime problem. The NIJ is a sophisticated, interdependent system of telecommunication networks, advanced computer networks, and databases that the United States Government relies upon for the efficient, uninterrupted flow of electronic information for air traffic control, military communications, energy distribution, public safety, and other essential government services and programs. Intelligence and industry forecasts indicate the United States is just beginning to realize the potentially damaging effects of the computer crime problem.

A significant threat to computer information security is the theft of trade secrets, whether conducted by insiders or competitors. The case of William Gaede is an example. Gaede, a manufacturing engineer, was employed by Intel Corporation in 1994, when he was terminated for theft of proprietary information. After an FBI investigation, Gaede was indicted in October, 1995, for Mail Fraud and Interstate Transportation of Stolen Property. This indictment related to material valued at approximately \$20 million that Gaede had stolen from Intel.

The Science Applications International Corporation, a military contractor and technology security firm, surveyed more than 40 major corporations in 1996, which confidentially reported that they lost an estimated \$800 million because of computer break-ins, both in lost intellectual property and money.

Hackers Kevin Lee Poulsen and Kevin D. Mitnick have demonstrated how vulnerable the NIJ is. In 1991 the FBI found the Poulsen had crashed a major financial data base in the San Diego area and compromised almost all of the electronic surveillances being conducted by Federal and State law enforcement agencies in California. Poulsen accomplished this through computer hacking, burglaries of Pacific Bell Telephone Company offices, and the use of live-line monitoring equipment. Through the information he obtained from these techniques, Poulsen was able to identify specific telephone lines used by law enforcement for electronic surveillance associated with foreign counterintelligence and criminal investigations in the San Francisco area. His successful attack on NIJ data bases required the FBI to spend several million dollars to move existing technical monitoring facilities and install fiber optic "cut-outs" to preclude the location of these facilities from being compromised by other hackers. In 1995, the FBI arrested Kevin D. Mitnick, a notorious computer hacker associated with intrusions into government, corporate, and university computer networks. Mitnick came to national attention in 1982, when, as a teenager, he used a computer and modem to break into a North American Air Defense Command computer. He was first indicted for criminal activity in 1988, after officials at Digital Equipment Corporation alleged that he caused \$4 million in damage to computer operations at the company. Warrants were again issued for his arrest during and after 1992. At the time of his arrest, he had already stolen over \$1 million in proprietary software and thousands of credit card numbers, including the card numbers of some of the best-known millionaires in Silicon Valley.

In addition to the obviously orchestrated criminal activity, the NII appears to be becoming more vulnerable to NII users. Radio and television frequently carry stories of infrastructure vulnerabilities. Books, magazine and newspaper articles, electronic bulletin board messages, and hacker home pages on the Worldwide Web inform hackers, crackers, "phreakers," technophiles, and other interested individuals about the latest methodology for staging successful computer network attacks. These publicized efforts result in a myriad of attacks on susceptible networks, particularly Internet service providers. After the underground hacker magazines "2600" and "Phrack," published an article on "synflooding," over 20 Internet service providers were attacked.

Public Access Networks, the first Internet service provider in New York City, was disabled for more than a week by an anonymous intruder from Canada who became disgruntled when the service provider refused to allow racist hate messages to be transmitted.

To handle the increase of investigations under the new mandate, the WCC program requests 34 agents and 22 support positions to staff additional teams in areas with large banking, commerce, and technology industries. The 34 new WCC agents and 12 existing National Security agents would be assigned to identify the nature and scope of the computer crime problem, investigate significant intrusions or threats to major information infrastructures, or networks, and to pursue prosecution of computer crimes. The expansion is paramount to address the computer intrusions. The additional 22 WCC support personnel would provide technical and administrative support to the new teams.

Initiative: Southwest Border

Item: Southwest Border - 34 Positions (20 agents), 17 FTE, and \$3,567,000.

In 1990, the FBI identified the Southwest Border of the United States as an area where law enforcement corruption was growing at an alarming rate. In response, the FBI developed goals, objectives and an operational strategy to address corruption along the Southwest Border. This strategy calls for the initiation of coordinated undercover operations (UCOs) and other covert operations in five designated SWB offices: Albuquerque, El Paso, Phoenix, San Antonio, and San Diego.

In 1996, the FBI continued its two long-term covert, intelligence-gathering operations to further identify corrupt public officials. In addition, approval of a Racketeering Enterprise Investigation (REI) is pending to coordinate intelligence along the entire border. The SWB initiative has resulted in the identification of numerous potential subjects and ports of entry along the border where corruption has become systemic and pervasive. The most significant allegations involve Immigration and Naturalization Service, U.S. Border Patrol, and U.S. Customs officials involved with monitoring traffic across the U.S./Mexico border. The FBI is sharing this information with the Department of Justice Office of Inspector General and the U.S. Customs Service Internal Affairs to develop and coordinate joint cases in both overt and covert capacities.

The 1998 base includes 48 agents to address public corruption along the SWB. To extend this public corruption effort to the additional SWB offices, the FBI requires an additional 20 agent and 14 support positions to continue to address federal, state, and local law enforcement corruption along the U.S. Southwest Border.

In 1995, the San Diego FBI Office formed a Border Corruption Task Force (BCTF) to target U.S. officials illegally facilitating drug trafficking activity. The efforts of the San Diego BCTF resulted in the convictions of seven federal public officials and 12 nonpublic officials in 1996.

Type of Measure	Performance Indicators	1994	1995	1996	1997	1997	1998
		Actual	Actual	Actual	Target**	Estimate	Target
DEMAND/WORK-LOAD	Pending Investigative Matters Beg. of year.	34,201	31,249	22,645	21,102	21,102	21,381
	Investigative Matters opened during FY.	37,627	39,486	36,183	33,490	33,490	33,832
	Matters closed during FY.	38,579	40,090	35,526	33,211	33,211	33,602
	Pending matters end of year.	23,249	22,645	23,302	21,381	21,381	21,612
INPUTS	WCC Field Agent and Support Positions	4,464	4,514	4,270	4,089*	3,968	4,180
	The number of FIF task forces.	2	2	3	3	6	6
	The number of mortgage loan fraud occurrences.	N/A	1,816	1,412	1,436	1,436	1,450
	The number of antitrust investigations with an international scope.	N/A	12	14	16	16	16
OUTPUTS	The number of computer crime cases	336	281	458	475	475	600
	Title III:						
	a. New Title III's	19	19	20	20	22	22
	b. Existing/Extended	13	8	16	16	10	10
	Information & Indictments	6,362	6,645	6,574	5,601	5,601	5,642
	Recoveries & Restitutions	\$3,467,332	\$3,227,565	\$1,805,369	\$1,575,000	\$1,575,000	\$1,600,000
	Fines (\$000)	\$110,972	\$331,446	\$620,143	\$565,716	\$565,716	\$550,000
	Convictions	5,936	5,678	6,231	5,439	5,439	5,444
Forfeitures related to fraud in Department of Defense contracts.		\$814,000	\$800,000	N/A	N/A	N/A	N/A

NAME OF DECISION UNIT: Type of Measure	Performance Indicators	1994		1995		1996		1997		1998	
		Actual	Target	Actual	Target	Actual	Target	Estimate	Target	Estimate	Target
Health Care Fraud:											
* In 1997 a total of 420 positions were transferred from the FBI's Salaries and Expenses to Health Care Fraud.											
** The 1997 and 1998 columns reflect the impact of the transfer of WCC resources from Salaries and Expenses to Health Care Fraud.											
DEMAND/WORK-LOAD											
	Pending Investigative Matters Beg. of year.	1,051		1,500		1,868		2,200		2,553	
	Investigative Matters opened during FY.	1,135		1,170		1,251		1,332		1,551	
	Matters closed during FY.	686		802		919		978		1,140	
	Pending matters end of year.	1,500		1,868		2,200		2,553		2,965	
INPUTS											
	Health Care Fraud Agent and Support Positions							497		569	
OUTPUTS											
	Information & Indictments		295	610		679		723		842	
	Recoveries & Restitutions	\$459,500		\$121,271		\$193,263		\$205,767		\$239,685	
	Fines (\$000)	11,900		54,432		29,023		30,903		35,997	
	Convictions	311		363		475		506		589	
OUTCOMES											
	The dollar amount of Medicare claims filed relating to medical transportation before FBI investigations.	N/A		N/A		N/A		N/A		N/A	
	The dollar amount of Medicare claims filed relating to medical transportation after FBI investigations.	N/A		N/A		N/A		N/A		N/A	
	The dollar amount of Medicare claims filed relating to laboratory schemes prior to FBI investigations.	N/A		N/A		N/A		N/A		N/A	
	The dollar amount of Medicare claims filed relating to laboratory schemes after FBI investigations.	N/A		N/A		N/A		N/A		N/A	

The FBI has developed a number of performance measures for Health Care Fraud. The data will be compiled based on the Health Care Financing Administration's statistics. Data may be available in 1997 from Health and Human Services

The FBI has developed a number of performance measures for Health Care Fraud. The data will be compiled based on the Health Care Financing Administration's statistics. Data may be available in 1997 from Health and Human Services

**Federal Bureau of Investigation
Salaries and Expenses
Justification of Program and Performance
(Dollars in thousands)**

Other Field Programs	Perm.		EIE	Amount
	Pos.			
1997 Appropriation Anticipated	10,245		9,112	\$1,031,740
1998 Base	10,246		9,986	\$1,097,149
1998 Estimate	10,246		9,986	\$1,097,149
Increase/Decrease				

BASE LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: Through the Other Field Programs, the FBI investigates crime in Indian Country, criminal street gangs, violations of the bank robbery statutes, carjackings, crimes on government reservations, thefts from interstate shipment, interstate transportation of stolen property and motor vehicles, assaults/threats to Federal officers, assaults on the President, theft of and/or destruction of government property, counterterrorism, and security countermeasures issues. The Other Field Programs is responsible for the location and apprehension of Federal, State and local fugitives charged under the Fugitive Felon Act with unlawful flight to avoid prosecution or confinement for violent crimes and other serious felony offenses. The FBI is able to conduct simultaneous investigations in multiple jurisdictions and has demonstrated its ability to coordinate and successfully resolve the most complex, sensitive and organizationally focused investigations. Given the ever changing nature of crime in the United States, the FBI mission responsibilities require the maintenance of full operational capabilities in each of these areas.

In addition, by Congressional mandate, the FBI is the only Federal law enforcement agency that conducts criminal investigations of violations of Civil Rights statutes. The Civil Rights Program investigates violations of the Federal Civil Rights Statutes and provides assistance in the investigation of allegations of violation of applicable Federal laws which protect the civil rights of all persons in the U.S. The FBI is mandated as the lead Federal agency to investigate and deter hostile acts of terrorism and, when necessary, to apprehend those individuals and groups whose aim is to harm the United States through the acts of terrorism.

The Other Field Programs also contains the FBI's Critical Incident Response Group (CIRG). CIRG was established in 1994 to facilitate the coordination of FBI responses to major law enforcement crises and special investigations. The CIRG responds to crimes which pose great dangers and require skills that are not routinely available in many law enforcement agencies. When faced with complex incidents, CIRG responds by providing trained, well equipped and experienced negotiators, crisis managers, tactical and aviation personnel, supported by pertinent research of successful techniques used in similar situations. Behavioral science experts advise tacticians, negotiators, and crisis managers regarding subjects and potential strategies. These resources greatly enhance the potential to successfully resolve complex crisis situations or investigations that require such

expertise.

Terrorism, violent crime and anti-government crime are priority areas of concern for the FBI. The bombs that damaged the World Trade Center and destroyed the Federal building in Oklahoma City are vivid examples of how these types of crimes impact on our society and give some indication of the minds of these criminals. To combat terrorism, the U.S. Postal Service has spent millions of dollars on personnel and equipment to protect postal employees and the public from the irrational tactics of criminals whose tactics include car/truck bombs, *river* letter bombs. Presidential Decision Directive (PDD)-39 and the Director of Investigative Agency Policies Resolution 12 reemphasizes the role of the FBI as the lead Federal agency in major domestic situations.

Violent crime is tearing away at the fabric of our society. Americans consistently list violent crime as one of their most significant concerns. As a result, their fundamental right to live their lives free from fear of violence has been placed in peril. The cost of these crimes have two dimensions: a dollar amount calculated by adding up property losses, productivity losses, and medical bills, and an amount less easily quantifiable because it takes the forms of pain, emotional trauma, injury and death. Researchers have found that crime victimization generates \$105 billion annually in property and productivity losses and outlays for medical expenses. This amounts to an annual "crime tax" of roughly \$425 per man, woman, and child in the U.S. From the small business owner who is literally crippled because he refuses to pay "protection" money to the neighborhood gang, to the families who are hostages within their homes, living in neighborhoods ruled by predatory drug trafficking gangs, the harmful impact of gang violence on its victims individually, and on society collectively, is both physically and psychologically debilitating. The destabilizing effect of criminal gangs on our communities, while difficult to quantify, is enormous. Perhaps the most disturbing trend is the rise in crimes related to the sexual exploitation of children and the growing use of the Internet to share pornographic pictures of minors and to use it as a tool to identify and recruit children into sexually illicit relationships.

Gangs and Juvenile Crime: While street gangs have been a part of the urban landscape for much of our country's history, in the past two decades, gangs have become an increasingly powerful and deadly force. Violent gangs are now having a major impact on the quality of life in communities throughout the Nation. The criminal acts of many gang members are both extraordinarily violent in nature and seemingly indiscriminate. A killing may be motivated by nothing more than the victim's presence in a particular neighborhood, choice of apparel, or facial expression. From the highly structured prison and motorcycle gangs that have a national presence, to the less-organized narcotics trafficking neighborhood "crews," gangs have brought a frightening level of violence to small towns and major metropolitan areas. Although most gangs can be traced to major urban areas, they have migrated throughout the country. According to a 1996 National Drug Intelligence Center (NDIC) study, gang activity was reported in 88 percent of the 301 jurisdictions responding to the survey and in 98 percent of the 120 responding jurisdictions with populations over 100,000. Through the survey, NDIC identified 7,400 individual gang sets. To address gang violence effectively, law enforcement's response must be a coordinated one. Municipal and local police departments, which represent the first line of defense from an enforcement standpoint, are not equipped to tackle this problem of enormous complexity alone. Most police departments lack the legal, financial, and technological resources to eradicate gang violence.

The FBI's Gang strategy was designed to incorporate the investigative and prosecutive theories of enterprise investigations which have proven to be successful in the Organized Crime/Drug Program National Strategy. Stated succinctly, the strategy is for the FBI, in conjunction with other Federal, State and local law enforcement agencies, to identify the major domestic violent street gang/drug enterprises which pose significant threats to the integrity of American society and pursue these gangs through the sustained, proactive,

multi-divisional, coordinated investigations that support successful prosecution.

Sexual Exploitation of Children (SEOC): The National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children reports between 3,200 and 4,600 short-term, non-family abductions annually. Of that number, it is estimated that 70 percent of those child victims are sexually assaulted. The 1995 UCR states that approximately 1,265 children under the age of 18 were murdered. The National Crime Information Center has on file approximately 71,000 missing children, all potential victims of sexual abuse or exploitation.

Crimes against children present some of the most tragic, complex, frustrating and emotional circumstances a law enforcement officer could ever face. While each individual FBI field office routinely respond to reported or suspected child abductions and other crimes against children within its jurisdiction, it is critically important to address crimes against children through a multi-disciplinary approach. A team approach utilizes multi-agency resources to ensure that these highly sensitive cases are appropriately investigated; suspects are quickly identified and apprehended; victims and their families are protected and afforded appropriate victim/witness assistance, and cases are presented to appropriate State and/or Federal attorneys for prosecution. These investigations often cross legal and geographical jurisdictional boundaries and involve extremely sensitive cases in which children are often brutally victimized, requiring the expertise of multi-disciplinary teams comprised of law enforcement, prosecutive and health care experts.

The team approach is also better able to treat the young victims of these crimes. Victimized children require care and treatment not typically afforded adult victims. In many cases, investigators must routinely interface with other professionals, including emergency room physicians, pediatricians, social workers, psychologists, child advocacy groups, victim-witness coordinators, and various other personnel. Many of these professionals will be involved in the post-trauma treatment of a victimized child, interviewing the child to elicit difficult-to-discuss facts concerning the offense and the offender, pre-trial preparation of a child victim as a witness, and interviewing serial offenders to identify other victims and crimes to be investigated, and other phases of the investigation or prosecution. Extremely successful Interagency SEOC Task Forces were initiated by FBI field offices in San Francisco and Los Angeles, California, during 1994 and 1995, and both continue their operations.

Indian Country: With respect to crimes in Indian Country, the FBI has jurisdiction over 558 separate sovereignities, 168 Indian reservations, upon which reside half a million Native American Indians. The FBI also has concurrent jurisdiction with tribal police in Indian Country. With the increase in violence and crime in Indian Country, State law enforcement agencies and tribal police are working with their Federal counterparts to stem the tide of associated violence. Through the cooperation between Federal and State law enforcement agencies and tribal police, an intelligence base can be established to more thoroughly investigate criminal activity.

The jurisdiction over crimes occurring in Indian country is governed by a complex arrangement among Federal, State and tribal law; therefore, it is imperative that the FBI continue to develop a shared and cooperative effort to combat violent crime, gangs, and child sexual abuse on Indian land. In 1996, the FBI opened 2,951 cases in regard to violence on Indian reservations including homicides, incidents of child sexual abuse, and gang-related criminal activity. Gang-related violence is a new phenomenon on reservations causing great concern. Drive-by shootings and aggravated assaults committed by Native American juveniles are becoming more common place on the reservations. Geography is also a contributing factor in the crime problem. For example, the Navajo Nation is an immense, remote area of 13,971 square miles in the States of Arizona, Utah, and New Mexico. There is a permanent population of 90,964 with frequent visitation by the 10,000 Navajos who do not reside within the reservation boundaries. The crime

problem is complicated by the long distances that agents must travel to reach crime scenes, which can be as far as 200 miles from remote areas of their territories, resulting in long response times.

Interstate Shipment of Stolen Property/Interstate Theft/Cargo Theft/High Tech Component Theft: The FBI is responsible for investigating theft from interstate shipment, interstate transportation of stolen property and motor vehicles, cargo theft, and computer component theft. In some parts of the U.S., the rise in cargo theft has reached alarming levels. The trade gateways of New York, Miami, and Los Angeles are particularly vulnerable, but this is a national concern afflicting countless businesses and, ultimately, the national economy and the American consumer. Particularly susceptible are the millions of freight containers, trucks, and rail cars that cross this country daily. Their goods are either stolen from the containers while awaiting shipment or armed hijackers commandeer the trucks and loot them of their cargo. Widespread cargo theft has also given rise to concomitant offenses such as robbery, kidnapping, homicide, interstate transportation of stolen motor vehicles, narcotics trafficking, money laundering and insurance fraud.

There are several reasons for the growth in cargo crime. First, the global marketplace and the ease of transportation have led to greater volumes of shipments, and thus more opportunities for criminals. Second, the potential profit is enormous. A single 40 foot freight container may carry goods worth up to \$1 million and can be picked clean and shipped all over the U.S. in just a matter of hours. Third, highly organized criminal organizations have entered into the arena. These organizations have the infrastructure and ability to move goods as efficiently as legitimate businesses.

Insurance underwriters have dubbed the area between New York, Miami, and Los Angeles as "the Bermuda Triangle" because cargo theft is a phenomenon occurring nationwide. Approximately 40 percent of the claims from motor truck cargo coverage involve theft, and that number is rising. The Maritime Security Report has identified an increase in the incidence of cargo theft and hijacking at ports primarily in Miami, New York, New Jersey, Los Angeles, and Long Beach.

Extensive and systematic criminality indicates that organized crime may be behind a significant amount of cargo theft activity. While the most serious incidences of cargo theft and truck hijacking have been noted in and around the seaports and airports of Miami, New York/New Jersey, and Los Angeles/Long Beach, in other cities serving as major transportation hubs, and along the U. S. border with Mexico, many other areas of the country are also seriously impacted. National annual cargo theft losses range from FBI estimates of \$3.5 billion to a National Cargo Security Council estimate of \$10 billion. Loss figures often understate the true scope of the problem because many cargo crimes go unreported by companies unwilling to risk bad publicity or higher insurance premiums or remain undetected until it is too late for investigation.

Since the 1980s, computer/electronic component theft and robbery has been on the rise in high technology regions including California's Silicon Valley, San Diego, New England, Dallas and Austin, Texas, Memphis, Minneapolis, Europe and the Pacific Rim countries. Computer/electronic information management components such as integrated circuits, Simms cards, flash memory, and disk drives are difficult, if not impossible, to identify because they have no common appearance or use, lack manufacturer logos, and often lack serial numbers. These factors make these items appealing theft targets. Once stolen, these components are essentially untraceable and subject to resale and can be incorporated into a vast number of computer products. Losses were once thought to be pilferage are now violently taken from warehouses by violent gangs who often tie up and pistol whip employees of the victim company. Computer components are considered one of the most highly "stealable" items because they are very small and easily transportable. One million dollars worth of computer chips can easily fit in the back of a van. Theft of computer components has become more prevalent because of the extremely high demand

placed on manufacturers for the parts. This is due, in part, to a very lucrative market for the resale of stolen computer parts. Often they are bought by legitimate companies because the industries profit margin is so small that the manufacturers can't get enough of them fast enough to quickly fill orders. The Chubb Group of Insurance Companies, the leading insurer of the electronics industry, estimates that consumers pay an additional \$100 on the average price of a computer due to high-tech component theft. The average claim filed with the Chubb Insurance Group increased from \$5,000 in 1992 to \$750,000 in 1996. Based on responses from 17 major domestic companies in the computer industry, losses due to theft, warranty fraud, and counterfeiting were estimated at \$4.8 billion in 1996 and are anticipated to increase to \$9.6 billion by the year 2000.

The principal crime problem in jewelry and gem theft revolves around organized groups of thieves targeting jewelry retail stores for larceny and individual jewelry and gem sales associates for robbery. These groups are sometimes ethnically identifiable, as in the case of South American "distraction" thieves. An organization comprised of Colombian, Peruvian and Chilean nationals involved in jewelry thefts has existed in the U.S. for more than 30 years. Current membership consists of a few thousand individuals who are very skilled and difficult to identify. Dollar losses resulting from the criminal activity are estimated to be in excess of \$500 million annually. Members of this organization have usually developed pocket picking skills and at an early age are brought into the group. They will often enter the U.S. after being provided with resources such as stolen travelers checks, airline tickets, credit cards and false identification documents. Upon entry into the U.S., many blend into diverse Latin communities in Houston, Los Angeles, Miami, Chicago and New York. The members of the organization are provided with support such as vehicles, expenses, fencing services and bail when arrested.

Civil Rights: The Civil Rights Program has been involved in an increasing number of joint investigations of hate crimes, most notably church burning cases occurring predominantly in the South. The FBI is currently investigating 328 church arson matters which have occurred since January 1995. To reduce the incidence of hate crimes nationwide the FBI is forging cooperative relationships with national and local civil rights organizations, as a part of the effort to educate the public so that all potential hate crimes are identified and fully investigated. In a proactive effort to reduce incidents of police brutality/misconduct nationwide, the FBI is increasing the awareness and sensitivity of local, state and federal law enforcement personnel through training and outreach with national law enforcement organizations and with the individual agencies and departments at the local level.

In addition, in the wake of the controversy stirred by the Fuhman tapes aired during the O. J. Simpson trial, the Attorney General directed the Civil Rights Division of the Department to undertake an initiative to develop an appropriate response to the broader problem of police misconduct. The goal of the Police Misconduct Initiative is to establish a comprehensive approach to combat and prevent law enforcement misconduct. To achieve this goal, the need for coordination between criminal and civil enforcement efforts, and among the different modes of civil enforcement, is critical. The FBI is fully participating in the Attorney General's Police Misconduct Initiative, and has been tasked with conducting some investigations of police departments and other law enforcement agencies in connection with allegations of pattern and practice violations and violations of Title VI of the Civil Rights Act of 1964.

The FBI is initiating an Involuntary Servitude and Slavery initiative to proactively identify and investigate abuses of migrant farm workers, sweatshop employees and illegal Thai immigrants. As part of the effort to identify potential cases, the FBI is working with the Department of Justice, the Immigration and Naturalization Service and the Department of Labor.

Crisis Incident Response Group (CIRG): Crisis incidents involving barricade situations are on the rise both nationally and throughout the world. This is evidenced by the Branch Davidian Incident at Waco, the shooting at Ruby Ridge, Idaho, and the militia standoff in Montana. These types of situations are highly complex, are extremely demanding on law enforcement at the Federal, State, and local level, and require a very unique expertise to resolve successfully. Based on the increasing numbers and complexity of these situations and Presidential directives that place the FBI in the lead Federal agency role in any major domestic situation, it is imperative that the FBI prepare itself and other agencies for these eventualities. The CIRG was established to provide the FBI with the specialized capabilities to address crisis situations. It accomplishes this task by providing operational assistance and enhanced training to the FBI at all levels in the area of crisis management, command and control, and crisis negotiation. Because many of these cases begin at the State, local or other Federal agency level and evolve into situations requiring FBI involvement, it is important that crisis management systems, wherever possible, closely parallel our own to allow for a smooth transition from one level to another.

Counterterrorism (CT): Terrorism investigations are conducted by the FBI in accordance with the Attorney General Guidelines for Domestic Security/Terrorism and Racketeering Influence and Corrupt Organizations. FBI investigations of terrorism focus on the criminal activity of the group, not on the ideology motivating the group. PDD-39 further emphasized the role of the FBI as the lead agency responsible for the investigation of terrorism within the United States and its territories. Terrorist groups are those groups which originate in the United States and direct their activities at elements of the U.S. Government or population with the intent to either overthrow the U.S. Government, interfere with the activities of a foreign government in the United States, substantially impair the functioning of the Federal Government, a state government or interstate commerce, or deprive citizens of the United States of their civil rights, as guaranteed by the U.S. Constitution.

The use of sarin nerve gas by the Aum Shinrikyo (Aum Supreme Truth) religious sect in the Tokyo subway on March 20, 1995, underscores the vulnerability of a populace to the use of chemical or biological weapons. Twelve people died, and approximately 5,500 people suffered minor effects as a result of the gas attack and the ensuing panic. The FBI opened a criminal investigation in response to the sarin gas attack based on a violation of Title 18, USC Section 2331, which authorizes FBI extraterritorial investigations. The FBI's extraterritorial jurisdiction in this matter related to the two U.S. citizens who were victims of the sarin gas attack. The FBI also opened a terrorism case on the Aum Shinrikyo branch in New York in order to identify its members, determine the nature of its activities, and assess the threat it posed to the United States.

The April 19, 1996, bombing of the Alfred P. Murrah Federal Building in Oklahoma City vividly demonstrated the magnitude of danger posed to the United States by terrorists. This incident marked the most deadly terrorist attack ever perpetrated in the United States, and awakened the public to the violence of many terrorist groups. Their activities are directed at elements of the U.S. Government or population and represent interests spanning the political spectrum, and focus on issues relating to U.S. political and social concerns. Terrorism (right-wing, left-wing, and special interest) in the United States historically has occurred on a cyclical basis with periods of terrorist incidents, followed by arrests, regroupings, reorganization, and consolidation, after which the cycle starts anew.

In 1995, PDD-39 was signed which provides further substantive authority to the FBI in countering the threat of terrorism in the United States. PDD-39 addresses a vigorous response to terrorism and strengthens the FBI's leadership role in combating terrorism in the United States. PDD-39 reaffirms the FBI as the lead Federal agency in both preventing terrorist attacks and investigating those attacks when they occur within the United States, in international waters, or against U.S. persons and establishments overseas. Among other measures mandated by PDD-39 was the creation of a Counterterrorism Center under the auspices of the FBI. The Center was established to further ensure the FBI's

overall readiness towards countering terrorism and will allow the FBI and other U.S. law enforcement and intelligence community members to more effectively counter threats of terrorism within the United States by expanding the FBI's real-time counterterrorism operational and analytical capabilities. The analytical function of the Counterterrorism Center is to obtain, analyze, disseminate, and manage all information related to individuals and groups involved in terrorism which may threaten any U.S. person or interest.

Operationally, the Counterterrorism Center will provide support and enhanced analysis to FBI and U.S. law enforcement agencies in order to prevent terrorist incidents and to support law enforcement actions against terrorist subjects. The Counterterrorism Center ensures the FBI's overall readiness towards countering terrorism and will allow the FBI and other U.S. law enforcement and intelligence community members to more effectively combat threats of terrorism within the United States by expanding the FBI's real-time counterterrorism operational and analytical capabilities.

The FBI's CT Program is responsible for countering the enormous threat posed to the national security of the United States by illegal proliferation of Weapons of Mass Destruction (WMD), to include nuclear, chemical, and biological weapons and source material, as well as launching systems, such as ballistic missiles. The CT Program is responsible for WMD smuggling, proliferation, and terrorism matters. The FBI derives its authority to investigate and deter nuclear, chemical, and biological proliferation and terrorism from various statutory authorities. The primary statute upon which the FBI bases its nuclear-related authority is the Atomic Energy Act. The primary statute upon which the FBI bases its biological-related authority is the Biological Weapons Anti-Terrorism Act. While no specific statute currently exists which addresses chemical terrorism and/or proliferation, the FBI employs a number of other statutes to investigate acts of chemical terrorism.

Among other matters, the CT Program has responsibility for the Special Event Management (SEM) Program. A "special event" is broadly defined as any major event occurring within the United States or abroad of such national or international importance that it becomes an attractive terrorist target. In 1996, the FBI was responsible for a number of important SEM events, such as the 1996 Summer Olympic Games in Atlanta, Georgia, as well as the Democratic and Republican National Presidential Conventions. However, the Olympic Games was the largest, most complex special event handled by the FBI. A substantial commitment of FBI resources was made, including approximately 800 agents and support personnel, most of whom were in Atlanta in a temporary duty capacity, as well as substantial nonpersonnel resources. Special Weapons and Tactics teams from various field offices were sent to Atlanta to serve in a stand-by status to respond to incidents requiring immediate tactical intervention. The FBI's Hostage Rescue Team also was present in Atlanta with all of its resources and capabilities. The FBI continues to dedicate substantial resources to the investigation into the bombing of the Olympic Centennial Park.

PDD-39 specifically highlights the need for the FBI to expand and/or create several key CT Program components. For example, PDD-39 emphasizes the importance of revitalizing the FBI's Infrastructure Vulnerability/Key Asset Program which is intended to identify key physical and informational industrial and government assets within this nation's infrastructure which pose attractive targets for terrorists. In general, the FBI's Infrastructure Vulnerability/Key Asset Program is a system of key asset identification and the development of a cooperative liaison with key asset owners/operators. By having key asset information readily available, should the FBI receive threat information directed at the infrastructure of the United States, it can readily determine the significance of a targeted key asset and the possible consequences of its destruction. Such information would provide a valuable tool toward interdiction and prevention of terrorist attacks.

The U.S. infrastructure is defined as a system of interdependent networks which are made up of identifiable industries and institutions that provide a continual flow of goods and services essential to the security and welfare of this country. These networks are generally categorized as electrical power, gas and oil, telecommunications, banking and finance,

transportation, continuity of government, as well as water supply systems. Within each of these networks, there are specific components which are so vital that their incapacitation or destruction would have a traumatic or debilitating impact on the United States, either regionally or nationally. These components are known as key assets. Although the FBI initially established this program in 1988, it lacked adequate personnel and nonpersonnel resources to ensure that the program flourished in the field until requested critical resources were appropriated in FY 1997.

The FBI also established a Domestic Emergency Support Team (DEST) pursuant to PDD-39. The DEST is a specialized interagency U.S. Government team configured and staffed dependent on the demands and/or needs of the entire range of potential acts of terrorism conducted within the United States. The DEST facilitates the dedication of expertise and resources necessary to respond rapidly to the scene of a terrorist incident within the United States. The FBI has oversight of the DEST.

The FBI has also increased the number and quality of Joint Terrorist Task Forces (JTTFs) across the United States. By bringing together Federal, State, and local law enforcement, JTTFs allow concerned agencies to network, combine resources, and work more efficiently against terrorists. The FBI has enjoyed a substantial degree of success in the investigation of terrorist organizations. These successes are attributable, in part, to JTTFs. Resources devoted to JTTFs will continue to be effective in countering the threat posed by terrorists in the United States.

The reactive portion of the CT Program utilizes all the resources and techniques of the FBI to investigate and prosecute terrorists who commit violent and illegal acts in the United States. These criminal acts include violations of the Protection of Foreign Officials, Neutrality, and Extortion statutes, as well as firearms and explosives laws. The ongoing investigation of the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in Oklahoma City illustrates the strength of the FBI's CT Program. The FBI was able to initiate and pursue an investigation of the blast in the midst of chaos. Within days, the FBI, working with other Federal, State, and local law enforcement, had apprehended two suspects. This act of terrorism directly resulted in at least 169 deaths and injuries to hundreds of additional victims and in property damage estimated in the hundreds of millions of dollars. Even as the Federal Government readies to embark upon the prosecutorial phase of this case, the FBI continues its investigation.

The FBI recently arrested several members, including the two leaders, of the Freemen Organization in Montana. The Freemen are an anti-government group based in Montana who believe in the supremacy of local governments and claim to be "sovereign citizens" who are not obligated to abide by U.S. laws. Members of the Freemen have been involved in produced fraudulent monetary instruments for the purpose of clogging the financial system in the United States. The group holds classes in the production of these instruments, which have been attended by members of several militia groups throughout the United States. Some members have allegedly discussed the killing of Federal and State officials and judges. In acknowledgment of the possible threat posed by militia groups, the FBI now provides weekly summaries of militia criminal activities for distribution to appropriate Federal law enforcement agencies.

Hostage Rescue Team (HRT): Based on recent Presidential directives, the FBI is the lead Federal agency in major domestic crises and some overseas statutory matters. The HRT is the only authorized domestic counterterrorist team responsible for the most critical and dangerous tactical operations. The HRT provides operational support to FBI field offices in conducting successful rescues of persons who may be held illegally by a hostile force, either terrorist or criminal in nature. The team also performs other law enforcement activities as directed by appropriate authorities and is mandated to provide support to FBI Special Weapons And Tactics (SWAT) teams. HRT's capability is full-

time, expansive, multidimensional, and so unique that there is no other law enforcement team like this in the U.S.

The HRT provides tactical/operational support to FBI field offices in conducting successful rescues of persons who may be illegally held by a hostile force, either terrorist or criminal in nature, and performs other law enforcement activities as directed by appropriate authorities. HRT provides support in the areas of assault teams, observer/sniper teams, maritime operations, helicopter operations, tracked vehicle operations, mountain climbing, underwater operations and breaching. The team trains to be capable of conducting a hostage rescue in a variety of crisis environments such as aircraft, buildings, buses, ships, and oil rigs. The team's training program addresses each of these potential crisis sites and ensures the readiness of all HRT assets. These types of operations require HRT personnel to maintain and develop advanced skills in surgical shooting with a variety of weapons including handgun, submachine gun, shotgun, and automatic crew-served weapons, as well as techniques in vehicle driving, explosive breaching, climbing, maritime, and tactical helicopter operations. Since 1983, the HRT has participated in many high risk tactical operations including FBI Top 10 fugitive arrests, rural manhunts and barricades, gang raids, international terrorist arrests, and hostage rescue missions. The team has provided tactical assistance for events such as the 1987 Pan American Games, 1990 Goodwill Games, 1984 and 1996 Olympic Games, several Presidential inaugurations, annual State of the Union addresses, Los Angeles riots, and three Federal prison uprisings.

Child Abduction and Serial Killer Unit (CASKU): CASKU is a major component of the National Center for the Analysis of Violent Crime (NCAVC). Investigations of missing and exploited children matters are among the most complex investigations facing law enforcement agencies. The mobility and sophistication of many of today's offenders serve to further complicate the investigative process. The National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children estimate that between 3,200 and 4,600 annual, short-term, non-family abductions occur where approximately 70 percent of the child victims were sexually assaulted. Long-term abductions of children resulted in some 200 to 300 incidents. Of these incidents, between 43 and 147 cases resulted in the murder of the child. There are an estimated 114,500 attempted abductions each year, all involving strangers and usually involving an attempt to lure a child into a car. In a majority of these cases, the police were not contacted.

For the last 10 years, UCR has reported over 20,000 homicides annually. However, statistics are unavailable as to how many of these homicides are the result of a serial killer. In the 1990's, less than one-half of the murder victims were related to or acquainted with their killers. This is a major change from a decade ago and the rise in apparent stranger murders may reflect the existence of more serial killers. The nature and extent of the missing and exploited children problem in the U.S. has become an issue of significant concern for many citizens. The problem impacts not only on the immediate victim, but also on their family, friends, community, and law enforcement. Although this impact cannot be quantified, it clearly raises safety concerns of our citizens within their communities. Improvements in data collection, analysis, and research are necessary to better understand the scope of the problem. FBI jurisdiction has been legislated in abduction investigations through the Federal Kidnaping Statute.

CASKU has assembled 12 highly trained, and experienced investigators to respond to requests for assistance on cases of child abductions and serial and mass murder. Such a gathering of expertise in these areas does not exist anywhere else in the U.S. or in the world. These agents conduct daily consultations with investigators offering guidance ranging from violent crime analysis, criminal profiling, threat assessment, prosecutive strategies, and investigative strategies to major case management concerns. CASKU investigators respond to the investigative scene to offer assistance and coordinate the application of resources from the FBI Laboratory, Evidence Response Teams, and Rapid Start Team. These cases are complex investigations and are time-sensitive with respect to jurisdictional issues, local liaison, local law enforcement expertise, media concerns and other considerations. The CASKU investigators deploy on-site immediately to support field investigations as requested by the respective Special Agent in Charge. Agent investigators

conduct offender research interviews of child killers and serial killers for the purpose of gaining valuable insights into how these individuals were successful in order to apply this knowledge against future unsolved cases. At any time, CASKU is typically assisting field investigators in 25 time-sensitive serial murder case and 20 predatory child abductions. CASKU has identified approximately 231 cases of mass murder with 1,200 victims. There is no centralized collection of data on the number of child abductions or serial and mass murders, which increases the likelihood unreported incidents. The mobility of the offenders causes the involvement of multiple State and local jurisdictions. Federal assistance is necessary to coordinate investigative resources oftentimes lacking at the State and local level.

The Morgan P. Hardiman Missing and Exploited Children's Act was enacted as part of the Violent Crime Control and Law Enforcement Act of 1994. The Act created a Federal task force on Missing and Exploited Children. The Act was unfunded. It mandated a task force initially comprised of two members from each of the seven participating agencies, to include the FBI, U.S. Secret Service; Bureau of Alcohol, Tobacco, and Firearms; U.S. Customs Service; Postal Inspection Service; U.S. Marshals Service; and Drug Enforcement Administration. The FBI was directed to select the task force members and manage the task force. The legislation allowed for the task force to increase the number of assigned personnel to meet investigative needs. The task force uses the collective resources of each member agency to assist State and local governments in difficult missing and exploited children cases. The assistance to agencies investigating those cases is in the form of daily telephonic consultations with investigators explaining the availability of pertinent Federal resources, searches of member agency data bases, major offender time-line development, crime analysis, interview and investigative strategies, and major case management support. Task force members respond to the field office requests for on-scene assistance; conduct research, receive and provide training. The Unit Chief of CASKU serves as the head of the task force.

Special Weapons and Tactics (SWAT): The SWAT Training Unit (STU) provides operational support to FBI field offices and police and administers the field SWAT program consisting of 1,100 Agents. Management entails basic instruction at the FBI Academy or in the field; advanced instruction at 16 mandated regional training sessions each year; and participation in research projects (e.g., tactical body armor, SWAT weapons, less than lethal weapons, etc.). Operationally, the STU has been involved in incidents in St. Thomas, U.S. Virgin Islands; Phoenix, Arizona; and Jordan, Montana.

Undercover Operations Support: Law enforcement has identified undercover work as inherently stressful and extremely emotionally/physically, dangerous and, therefore, requires undercover certification through special selection assessments and monitoring procedures to support those personnel who volunteer for covert assignments. Once certified to operate in a covert capacity and assigned to an undercover operation, undercover employees (UCEs) are afforded continuing Undercover Safeguard Program support through regularly scheduled psychological assessments and debriefings. Additionally, undercover personnel are provided post-operation assessment, counseling, and training to facilitate their transition back to overt duties. Undercover Safeguard Unit (USU) personnel are highly experienced in the use of the undercover investigative technique and are prepared to provide consultation to UCEs. Undercover Safeguard Program team members, and management before, during and after Undercover Operations (UCOs). Undercover Safeguard Program personnel furnish rapid crisis intervention/assessment telephonically or on-site in support of all Bureau undercover activity and conduct liaison, consultation, and training with FBI Headquarters, field offices, and domestic and foreign government agencies involved in covert operations. The use of the undercover investigative techniques, including proprietary business entities, is essential to the detection, prevention, and prosecution of white-collar crimes, offenses involving controlled substances, public corruption, terrorism, organized crime, and other priority areas of investigation. The undercover technique is unique and highly complex in terms of the psychological risk to covert human resources. It is essential to select, monitor, and assess the right people for undercover assignments. The proper conduct of undercover investigations is a sacred trust between law enforcement

and the public which permits agents and officers to operate in other than their true identity. USTU operations ensure the public trust by monitoring the well being and conduct of individuals operating undercover every six months. If there is any indication that the UC's conduct is damaged, they are removed from the undercover program.

Initiatives with State and local assistance and services, remaining on the cutting edge of protecting the people of the U.S. and providing training to international counterparts, demand the leadership only the FBI can credibly provide. USTU personnel bring credibility to the unit's mission through their high levels of undercover experience and specialized assessment techniques specific to UCOs. The Unit is uniquely qualified to serve as a national and international model in support of covert operations. Recommendations are then made to appropriate management officials to continue or discontinue the use of FBI and State and local personnel assessed. Assessment includes psychological testing, counseling, consultations and training of the unit's client group. Unit members are uniquely qualified to make accurate decisions based on their special area of expertise. The number of Group I, Group II, and other covert investigation activity has a direct impact on the unit's ability to conduct operations effectively and efficiently.

The National Center for the Analysis of Violent Crime (NCAVC), Profiling and Behavioral Assessment Unit (PBAU): Violent crime remains at the top of the list of concerns for most Americans and is a cancer which infects a wide range of political, social, and economic issues on a national scale. Most violent crime is perceived as singular acts and is more often categorized as homicide/murder, rape, assault, robbery, and destruction of property. Consequently, violent crime is believed to be primarily a problem impacting individual localities and jurisdictions. However, any violent act can assume a larger and more ominous character when evaluated collectively within the framework of identified patterns and/or common "environments."⁴ The violent act then falls within the confluence of a much larger issue such as domestic and international terrorism, gang violence, domestic violence, organized crime, serial murders and rapes, violence in the workplace, child abuse, hate crimes, or a host of other existing or yet to be identified violence related categories impacting on a national scale. All of these crimes involve unique and aberrant behavior based patterns which are in need of further study and exploration. The knowledge gained from the close study of these behavioral aspects of violent crime have become instrumental in the way law enforcement deals with each situation. This includes all aspects of the crime, from the act itself, through the investigation, prosecution, and eventual incarceration of the violent offender.

State and local jurisdictions lack the resources, ability and legal authority to effectively address violent crime on a comprehensive, national basis. When viewed from a strategic perspective, it is important for law enforcement to address many violent crime issues from a more comprehensive and multi-functional posture. This would include the need to conduct research necessary to better understand the underlying causes of violence and to develop more effective methodologies for dealing with it. Also required is the ability to interact and coordinate between numerous different agencies and jurisdictions in order to effectively investigate the types of violent crimes which involve different States and localities.

The PBAU is an appropriate vehicle by which to address the above stated deficiencies. The services rendered by the PBAU satisfy a variety of needs which cannot be met within the law enforcement system addressing violent crime. The PBAU addresses the crime problem through a variety of programs and processes. There are two components in the PBAU. The first is Criminal Investigative Analysis Program (CIAP). Individual cases are submitted by local, State and Federal law enforcement agencies for CIA. These cases are assessed and provided with input to facilitate their resolution. Another component is the Violent Criminal Apprehension Program (VICAP) which is a computer based tracking system designed to identify serial or repeat violent offenders throughout the country. Also, part of the CIAP is the Arson Bombing/Weapon of Mass Destruction area which will develop threat assessment capabilities attendant to the chemical, biological, and nuclear areas of potential violent crime victimization. Analyses provided by PBAU give needed

investigative support for unsolved cases and appropriate strategies for pursuing the investigation more effectively.

The current capabilities of the PBAU stem from a substantial base of knowledge and experience in researching, studying and addressing violent crime problems. It is a process which employs a variety of resources applicable to the investigative process, i.e., psychology, forensic pathology, deductive reasoning, criminal investigative experience, computer technology, and anything else which can be used to facilitate the identification and capture of a violent offender. All of these processes are employed to help the requesting agency with all of the expertise and assistance necessary to facilitate its investigation.

The profiling process of the CIAP, involves techniques that have experienced consistent growth and acceptance since its formalization in 1985. However, with the recent spate of publications focusing on this process and the increasing acceptance of it as a viable investigative resource, this growth process has begun to accelerate. The PBAU services the entire U.S. law enforcement community on all levels. It is utilized to facilitate a wide range of investigative demands which can span the entire criminal investigative process from crime scene analysis to the prosecutive strategy, sentencing processes, and even an occasional probationary issue. The services include a range of expertise and technological applications that most local and State and Federal agencies do not have at their disposal. These may include profiling a criminal offender in an unsolved case, assessing a threat, linking a number of related cases from different jurisdictions, facilitating communication between different agencies, offering new investigative techniques, effective interviewing and interrogation strategies, researching data in support of search warrant affidavits, and a number of other features which work to ensure that violent crime is addressed on a comprehensive, interactive and nationally appropriate level of service. Also, there are emergency situations which arise on a daily basis which may entail a couple of hours or a number of analysts for up to a number of days or weeks of constant full-time attention.

Security Countermeasures (SCM): The FBI's Security Countermeasures program is a nationally-directed and coordinated program consisting of eight operational activities targeting specific high threat areas subject to compromise and penetration by persons, groups, or organizations whose interests are inimical to the United States. These eight operating activities are as follows: Personnel Security; Industrial Security; Security Clearance Investigations; Physical Security; Information Security; Sensitive Compartmented Information and Special Access Programs; Operations Security; and, Automated Data Processing and Telecommunications Security.

Recognizing that one of the two most significant intelligence threats within the United States stems from human intelligence gathering, the FBI Security Countermeasures (SCM) Program is dedicated to making FBI employees and FBI contract employees sensitive to that threat. The FBI has set as a priority the strengthening of security countermeasures in all areas involving personnel and has developed new initiatives in this area. The primary focus is on the proper handling and safeguarding of all National Security Information (NSI) and other sensitive data, by ensuring all FBI applicants, employees, contract employees, and other individuals with access to NSI and other sensitive data are trustworthy.

The strengthening of security countermeasures in all areas involving personnel is a top priority within the FBI's SCM Program. The greatest threat for compromise are employees of the U.S. Government and its contractors who, in many cases, have access to sensitive national security information. The SCM Program is dedicated to combating these security compromise threats through the implementation of an effective, enhanced SCM Program. For instance, in accordance with EO 12968, EO 10450, and Director of Central Intelligence Directive 1/14, the FBI conducts reinvestigations of its employees at least once every five years. These investigations are designed to ascertain if there are potential security concerns relating to whether an employee should continue to maintain a "Top Secret" clearance or access to Sensitive Compartmented Information. The SCM Program

has identified the Five-Year Reinvestigation Program as a top priority for the FBI.

The safety and well-being of FBI employees is of paramount importance. The goal of the FBI's Physical Security Program is to protect national security information (NSI) and other sensitive data as well as to ensure the safety and integrity of all FBI facilities, equipment, and personnel through the use of physical barriers or specified procedures designed to prevent unauthorized access to FBI space or data by an individual or group whose interests may be inimical to those of the United States.

The November 1994 murders of FBI agents and local police officers in Washington, D.C., and the April 19, 1995, bombing of Alfred P. Murrah Federal Building in Oklahoma City painfully illustrated the vulnerability of Federal workers in the workplace. Following these incidents, the FBI began augmenting physical security in all overt FBI facilities, an effort which will affect all 56 field offices, approximately 400 resident agencies and off-site facilities, and regional computer centers and other specialized facilities.

Attorney General Security: The position of the U.S. Attorney General (AG) is a high-profile, high-threat-level position. The AG is highly visible to the public and instantly recognized by the public, thereby increasing the threat-level to her security. The present AG has been involved in several controversial issues and situations that were, and are, intensely covered by the media. While the AG's actions in these matters were popular with the general public, these same actions have made her a target for threats by some extremist individuals and organizations, both within and outside the borders of the U.S. The Special Detail Unit (SDU) provides personal protection to the AG whenever she is outside of her residence, including official functions, recreational and other personal activities; and it provides advance security assessments and arrangements for security prior to all movements. The AG travels extensively, averaging four domestic trips per month and three foreign-country trips per year, often traveling to multiple cities during these trips. Additionally, the present AG enjoys hiking, boating, and other outdoor activities, on a regular basis throughout the year. During regular business hours, the AG is transported in a DOJ vehicle, driven by a deputized DOJ employee, always accompanied by a member of the SDU, and followed by a member of the SDU in an FBI vehicle. During non-business hours, the Special Detail is responsible for transporting the AG in FBI vehicles. Because a Special Detail Agent is always with the AG, the Special Detail is looked upon by the AG as a constant link between the AG and the Justice Command Center (JCC) and the FBI Strategic Information Operation Center (SIOC). The FBI was chosen to provide security for the AG because of the extensive training afforded FBI agents and the FBI's vast intelligence network.

Crisis Management: The FBI's Crisis Negotiation Program, consisting of 389 agents, and the Crisis Management Program provide operational support to FBI field offices and other law enforcement agencies. The management of these programs entails responding operationally to crises worldwide, providing basic instruction at the Academy, conducting advanced instruction at eight mandated regional training sessions annually, and participating in essential research projects needed to support these programs. In 1998, the Crisis Management Unit anticipates training the SAC Crisis Response team and DOJ officials. This training will continue to standardize crisis management concepts throughout the FBI and other law enforcement agencies, both nationally and internationally. Current Crisis Management Unit complement supports and maintains Bureau operations and training needs, with limited training assistance being offered State and local agencies, based on personnel and budgetary constraints. Training conducted by the Crisis Management Unit has a direct impact on the FBI's ability to safely and effectively handle crisis situations that range from single-office involvement to highly complex multi-agency situations.

Aircraft Operations and Special Operations Group (SOG): The Aircraft Operations Program base level capabilities provide 400 flight hours per year for each aircraft assigned to field offices. NightStalker is funded for 700 hours per year, while the emergency transportation and undercover multiengine aircraft are funded for a 250-300 hour level of

operation. This level of operation allows the funding necessary to complete all necessary maintenance and overhauls. Actual demand for field office aircraft is 500-600 hours per year.

Aerial surveillance accounts for over 70 percent of the total flight hours each year. This form of surveillance supports and reduces the number of ground personnel necessary to maintain a covert surveillance. Investigations facilitated in this manner include drugs and organized crime, domestic and international terrorism, violent crime and national security. The SOG consists of 40 surveillance squads operating in 34 field offices. There are currently 376 SOG agents that make up 75 ground surveillance teams. There are 125 full-time pilots assigned to the SOG that provide aviation support. Surveillance is a necessary and useful investigative technique. To be most effective, it is best conducted by a group trained and dedicated to that function working with aviation assets. The SOG and the FBI air operations are the two major components of the FBI's surveillance capability. Utilization of the surveillance investigative technique has proven critical to the success of the FBI's mission in investigations in all of its investigative programs. Surveillance is the real time first hand observation of subject(s) and their activity bearing investigative interest to the FBI by specially trained law enforcement officers. It has proven to be the most reliable source of information that law enforcement has at its disposal as this information takes on instant credibility. Agents are able to provide direct testimony regarding their actual observations. Surveillance is a technique that becomes very valuable in a variety of situations: (1) It provides immediate results and feed back on the location and/or activities of subject(s); (2) It serves as verification of information provided by other individuals and/or informants; (3) It serves as the verification process of information gleaned from Title III investigations; and (4) It enables law enforcement officers the means to obtain photographs and/or video of subjects and/or activities pertinent to investigations.

The SOGs operate covertly and provide the most effective physical surveillance coverage of subjects as a result of their training, experience and working as a team on a daily basis. SOGs provide critical testimony and evidence in the form of photographs, video and recovered documents successfully in the most sensitive investigations. The SOG responds to investigative requests and priorities of the field office; however, during major FBI investigations, SOGs often travel to assist other offices and, other than funding, require no equipment or logistical support from the host office.

LONG RANGE GOAL: To mitigate the prevalence and the effect of violent crime in the United States, to reduce the number of civil rights violations, to collect, analyze, and exploit information to identify and neutralize the activities of terrorist groups, and to sustain continuity and consistency in the crisis response of the FBI throughout the United States and the world.

MAJOR OBJECTIVES:

- To reduce the rate of violent crimes in those areas which the FBI can proactively address and investigate with emphasis on sexual exploitation against children, bank robbery groups, violent fugitives, terrorism, and murder for hire schemes.
- To identify and dismantle street gangs that are classified by the FBI as criminal enterprises.
- To more effectively and efficiently investigate those violent crimes in our society which require an immediate reactive response by the FBI, including kidnappings.

extortions, threats and assaults of designated government officials and officers, bank robberies, crimes aboard aircraft, police killings, product tampering, murder-for-hire and the sexual exploitation of children.

- To identify the scope and impact of thefts from interstate shipment and the interstate transportation of stolen property on national/international commerce, and to investigate/prosecute those individuals and criminal enterprises involved in those crimes.
- To reduce the incidence of serious and violent crimes occurring in Indian country through proactive and joint investigative strategies.
- To effectively identify and manage investigations of Government Reservation Crimes (other than crimes occurring in Indian Country) which have a national or regional impact using both reactive and proactive investigative strategies.
- To improve the investigative responsiveness to allegations in violation of applicable Federal laws which protect the civil rights of inhabitants of the U.S., with particular emphasis on addressing racial and religious violence to include FACE Act violations, particularly church burnings, allegations of law enforcement misconduct, particularly color of law violations, and violations of the Involuntary Servitude and Slavery statutes.
- To provide operational assistance to include on-site expertise and advice, as needed, and enhanced crisis management training to each field office.
- To increase and enhance operational assistance and negotiation training throughout the U.S. and the world, to include the development, promotion, and use of the Hostage Barricade System (HOBAS) database and the most current and state-of-the-art negotiation techniques.
- To provide an effective aerial surveillance capability for up to 90 percent of investigative activity in which use of this technique has been requested whether using unaided pilot observation or FLIR equipment.
- To provide readily available transport capability to 95 percent of those investigations which have time critical needs or require sensitive equipment on-site.
- To contribute to the reduction of the number of incidences of children abduction, and serial and mass murder, including rendering assistance to lawmakers in the creation of legislation designed to further protect children and stop predatory violent offenders.
- To have a positive impact on the missing and exploited children problem in the U.S.
- To maintain excellence in the accurate and timely assessment of UCEs and advocate for UCE well being; furnish comprehensive national and international consultation and training; and, meeting the demand increased U.S. monitoring of the increased use of the UIC investigative technique.

- To maintain/increase the effectiveness of SWAT while ensuring agent safety by enhancing current equipment inventories, addressing training requirements, and standardizing weapons systems.
- To provide operational support functions to law enforcement agencies confronted with unusual, high-risk, vicious, or repetitive violent crimes.
- To maintain/increase the effectiveness of the HRT while ensuring the safety of the public, suspects, and law enforcement officers by enhancing current equipment inventories and addressing training requirements.
- To neutralize through investigations the ability of terrorist groups to adversely affect the interests of the United States by detecting, preventing, and/or reacting to unlawful, violent acts and criminal activities of terrorist groups or individuals.

PROGRAM INCREASES: No program increases are requested for the Other Field Programs Decision Unit in Salaries and Expenses for FY 1998. However, a program increase of \$13,900,000 is requested in the Violent Crime Reduction Program.

**Federal Bureau of Investigation
Salaries and Expenses
Justification of Program and Performance
(Dollars in thousands)**

Training, Recruitment and Applicant	Perm. Pos.	FTE	Amount
1997 Appropriation Anticipated	891	840	\$92,610
1998 Base	891	853	94,995
1998 Estimate	891	853	94,995
Increase/Decrease	...	...	...

BASE LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: Crime continues to be a significant problem facing the United States. The issue of crime has permeated American culture; media reports of crime dominate the print and broadcast news media. The success of television shows such as "Cops" and "America's Most Wanted," in addition to the television news magazine shows such as "Dateline," demonstrate America's obsession with crime. This concern is not unwarranted. In the 1995 Uniform Crime Report, statistics show that a violent crime occurs every 18 seconds and a property crime every three seconds. Few Americans born today will be unaffected by crime during their lives.

Domestic violent crime and its financial impact place an overwhelming burden on most State and local police agencies. Moreover, the weakening or elimination of borders in many parts of the world and the growing availability of electronic forms of communication and commerce allow criminals significant degrees of domestic and international mobility. Social, political, religious and economic factors are generating changes that stretch the ability of the United States and foreign law enforcement agencies to respond to the crime problems generated by these developments. The FBI must take a leadership role in the development of knowledge and operational capabilities for law enforcement to attack these crime problems and develop programs to train our counterparts in these techniques.

In the days of the American West, law enforcement officers were selected because of their physical prowess. However, law enforcement personnel today must enter the job prepared to face mental as well as physical challenges. In addition, law enforcement increasingly needs technical experts to assist the solving of crimes. The competency of these individuals often means the difference between a solved and unsolved case.

As the FBI continues to grow both in size and complexity, it is increasingly evident that professional dedicated employees with specific areas of expertise are vital to the continued success in the FBI's efforts to support the criminal justice community in the fight against crime and violence. The FBI's total funded staffing level for 1997 is 11,308 special agent positions and 16,183 support positions for a total of 27,491 positions. The FBI's on-board staffing level at the end of 1996 was 10,695 special agents and 14,359 support

employees for a total of 25,054 employees. As a result, the FBI entered fiscal year 1997 under the funded staffing level for special agents by 613 and under the support complement by 1,824.

The FBI plans to continue an aggressive hiring effort through 1997 and 1998 to achieve and maintain the funded staffing levels. Simultaneously, the FBI is hiring contract Special Investigators to deploy the Background Investigations Contract Services (BICS) concept to all 56 Field Offices and 38 different types of background investigations by the end of 1997. BICS will allow the FBI to provide cost-effective background investigations while redirecting agents from applicant processing and background investigations to higher priority investigations.

Under the BICS concept, the FBI will use contract investigators to conduct background investigations of persons being considered for all but the most sensitive Government positions. The FBI will continue to provide recruitment processing, overall management and assignment of background investigations. Additionally, FBI personnel specialists will review the results of contract background investigations for completeness and to determine the need for further inquiries.

The FBI fills many positions, to include the agent position, general clerical positions, and dozens of diverse specialty support positions such as scientists, computer experts, intelligence analysts, automotive specialists, attorneys, industrial psychologists, and nurses. With such diversity in positions, the hiring mechanisms are also diverse, but share the same basic procedure. This procedure involves the selection of effective mediums for recruitment; the identification of people with the required interest, education, and qualifications; and, the employment of an initial screening, written test, and interview to measure an applicant's knowledge, skills, and abilities (KSAs). After satisfactory completion of these steps, a conditional letter of employment is issued. The applicant must then successfully complete a polygraph examination and drug test; a background investigation examining the applicant's adult life in order to qualify for a security clearance, and for many positions, a fitness for duty physical.

An individual selected as a new agent must report to the FBI Academy for 15 weeks of training. The FBI new agent training program provides comprehensive instruction to ensure that entry level agents possess the basic knowledge and skills required to serve the American public. Among the components of the new agent training curriculum are behavioral science, communications/interviewing, ethics, legal instruction, informant development, physical fitness/defensive tactics, evidence, firearms, Equal Employment Opportunity/sensitivity training, field office administrative operations and procedures, practical problems, and emergency vehicle operations. Agent trainees also receive instruction for each of the FBI's investigative programs: organized crime, drugs, violent crimes, white-collar crimes, counterintelligence, terrorism, civil rights, and applicant.

There is a continuing and critical need to provide training and development courses for FBI personnel assigned to field offices and FBI Headquarters. This training is necessary to maintain and enhance the professional skills of FBI personnel in their present assignments, to equip personnel to handle new investigative and administrative requirements, and to develop the leadership and management skills of potential supervisors, managers, and executives. The large-scale hiring of new agents during the last two years means that 17% of the FBI's agent workforce has less than two years experience. The FBI must be prepared to offer continuous education for these less-experienced agents to enhance their development and improve their ability to solve complex crimes.

The FBI currently has approximately 5,000 agent and support employee managers who represent the target population for the Comprehensive Bureau Management Training

Program. In recent years the turnover of management employees has been increasing rapidly because of retirements and promotions. However, the volume of new agents' training has necessitated the curtailment of management training programs, resulting in the promotion of many employees who have not received critical management and leadership training before assuming their new responsibilities.

The FBI also provides instruction for State and local criminal justice practitioners, both at the FBI Academy and throughout the United States at State, regional, and local training facilities. The FBI is presently the only agency at the Federal level that offers continual assistance to approximately 20,000 police agencies for training. The principal course of study for State and local law enforcement officers is the FBI National Academy Program, an 11-week multi-disciplinary program for officers who are considered to have potential for further advancement in their careers by their nominating agency heads. During 1998, 1,040 State, local and international law enforcement officers are projected to attend the FBI National Academy.

Other training opportunities at the FBI Academy also exist for State and local law enforcement personnel. The National Executive Institute (NEI) and the Major City Chiefs (MCC) Programs provide a forum for the development of the chief executive officers of the 150 largest law enforcement agencies in the United States and selected international law enforcement agencies. The focus of these programs is to provide an opportunity to discuss contemporary law enforcement issues, to exchange ideas, concepts and strategies for successful leadership, and to foster a networking of executives for future consultations. The Law Enforcement Executive Development Seminar (LEEDS) is designed for police chiefs from mid-sized agencies. In addition, the National Law Institute is a one-week, specialized training program for State and local police, legal advisors and prosecutors.

The Field Police Training Program (FPTP) serves as the foundation for the FBI's Comprehensive Law Enforcement Training Program. Training sessions cover the full range of law enforcement training topics, such as hostage negotiations, computer-related crimes, death investigations, violent crimes, criminal psychology, and forensic science. During 1998, the FBI anticipates training 125,000 criminal justice personnel at State, regional, and local training facilities.

The FBI conducts high-impact research in the behavioral sciences to support training initiatives and to build specialized knowledge in violent crime that will help the FBI and all law enforcement in performing their operational and administrative functions. In support of the FBI's Violent Crime Initiative, training and research is conducted in gangs and gang violence; youth violence; community policing; hate crime; killing and felonious assault of law enforcement officers; homicide; predictability of dangerousness; and crime analysis. The demand for this training and supporting research has exceeded the capacity of the program and is continuing to grow.

Stressing a cooperative effort, the FBI must increase law enforcement effectiveness by providing large-scale training and education not only in identifying and combating traditional criminal activity, but also the most sophisticated activities of criminal enterprises. As computer technology continues to develop and expand at seemingly exponential speed, more and more law enforcement agencies will need to participate in the automated environment if they are to remain current. The FBI should be at the vanguard of making computers, computer training, relevant software and access to the "Information Highway" available to all students.

The FBI conducts its training programs at the FBI Academy in Quantico, Virginia, field offices and off-site locations, at local, State, and regional facilities throughout the Nation and at various international sites. At the FBI Academy, training is provided for FBI new agent training, the FBI National Academy, Drug Enforcement Administration (DEA)

basic agent training and as capacity permits, in-services/comprehensive FBI management training, and specialized schools, conferences, and symposia. In addition, the International Law Enforcement Academy in Budapest, Hungary, began operation in April 1995.

The FBI Academy is located approximately 40 miles south of Washington, D.C., on approximately 400 acres amid the sprawling United States Marine Corps Base at Quantico, Virginia. The Academy's mission of training, research and operations is accomplished in 21 major buildings housing not only the FBI's Training Division, but also the Information Resources Division's Engineering Research Facility (ERF); the Laboratory Division's Forensic Science Research Training Center; and the Critical Incident Response Group (CIRG). In addition, the Drug Enforcement Administration (DEA) Office of Training is located at the Academy. Approximately 1,200,000 gross square feet of floor space are enclosed, which includes office, classroom, laboratory, firearms, forensic, engineering research, library, auditorium, gymnasium, dormitory, dining and recreation space. Exterior facilities include a firearms training range, driver training track and recreation fields and facilities.

The FBI Academy's primary complex of buildings were completed in 1972, 24 years ago. The Firearms Range became operational 40 - 50 years ago. Facilities are becoming out dated and in need of repair, maintenance and modernization. Due to expanded needs of the FBI, DEA and mandated Priority Law Enforcement Training (PLET), facilities need expansion as well as improvement to bring state-of-the-art training capabilities to the FBI Academy. Currently the FBI is unable to accommodate over 25 percent of the requests for training.

The capacity of the FBI Academy is set at approximately 203,500 Student Training Days (STDs) made up of FBI, DEA, National Academy Program, in-services for FBI personnel and other PLET and special events participants. The primary training categories (FBI New Agents, National Academy, and DEA Entry Level) will occupy 80 percent of the lodging capacity in 1998. Because of Academy capacity limitations and the emphasis on new agent training, most priority in-service training must be done regionally in 1997 and 1998.

The FBI mandates that all agents "must demonstrate proficiency with Bureau-issued or approved weapons" quarterly. More than 1,200 SWAT agents train 2-3 times per month in addition to fulfilling their quarterly requirements. Many ranges used by FBI agents are "spartan" at best and may not be compatible with FBI training requirements or schedules. To begin to address this shortfall, the FBI will begin modernizing the existing outdoor ranges at the FBI Academy with funds received in 1996.

The FBI provides and maintains sophisticated audiovisual presentation systems in 25 classrooms and two auditoriums at the Academy as well as designing and producing new training and internal information materials in many media including vugraph and 35mm transparencies, monochrome and color photography, video tape recordings, and computer-based multimedia programs. The FBI's Distance Learning Training Program (DLTP) uses satellite and video teleconferencing technologies to provide training and education to FBI personnel, agent and support and the law enforcement community, domestic and international. Many, if not most, of the training activities conducted at the Academy are dependent upon the equipment, systems, and services.

To enhance our ability to reach our law enforcement partner across the country, the FBI has produced 59 "Viewpoints from the FBI Academy" programs since March 1991. The programs are 30-minute taped programs shown on the Law Enforcement Television Network (LETN) which features FBI Academy instructors. LETN is a 7-day, 24-hour per day

law enforcement training network based in Carrollton, Texas, that supports approximately 5,000 law enforcement subscribers. The FBI Academy anticipates continuing its production of 12 programs per year for LESTN.

Since March 1986, the FBI has produced 56 live, two-hour, interactive teleconferences for the Law Enforcement Satellite Training Network (LESTN), which is operated at the Academy. In June 1995, the FBI began originating its LESTN teleconferences live from the Academy television studio. The topics for both programs are geared toward the FBI and general law enforcement community. LESTN has approximately 1,500 down sites on the training network. These down sites include Federal, State, and local law enforcement departments and corrections, law enforcement training academies, universities, community colleges, libraries and local school systems. An estimated 15,000 to 30,000 viewers watched LESTN programs live and many more viewers watch the programs on tape at later times. LESTN and LESTN programs are kept in law enforcement resource libraries for future viewing.

To combat international crime, law enforcement around the world must be prepared to work cooperatively. One of the most effective methods of building rapport and eliciting cooperation from law enforcement in these new countries is through training. Such training not only results in liaison successes for the FBI, but increases the effectiveness and efficiency of these police services to make them better partners with the FBI on operational matters. As a result of the geo-political changes in Eastern Europe, the FBI continues to receive requests for training and assistance from countries in this part of the world. Besides these emerging democracies, the Peoples Republic of China (PRC), Central and South America, Pacific Rim countries, and the Caribbean States have requested assistance in the fight against transnational crimes, such as financial crimes, drug smuggling, and organized crime.

The FBI also manages the operation of the International Law Enforcement Academy (ILEA) which opened in April 1995 in Budapest, Hungary. The facility hosts specialized training and seminars in addition to a professional development program similar to the National Academy conducted at Quantico. In 1995, three classes of officers from eight different countries graduated from the Academy. In 1996, five classes with officers from 13 countries are currently planned. In both 1997 and 1998, five classes are also planned. The ILEA is a combined effort of the Department of State and all Federal law enforcement agencies within the U.S. Government. Instruction has been provided by the FBI, other U.S. law enforcement agencies, as well as law enforcement personnel from Canada, Germany, Hungary, Ireland, Italy, Russia, the United Kingdom, and the European Law Enforcement College, in Brussels, Belgium. The FBI is the lead agency for coordinating all activities at the ILEA.

LONG-RANGE GOALS: To effectively recruit, process, investigate and appoint the highest quality individuals to meet FBI staffing needs, and to obtain and maintain a diverse work force at an acceptable operating level; and, to conduct thorough, penetrative, and timely background investigations of FBI applicants and candidates for employment with other Federal Government entities, i.e., the White House, the Department of Justice, certain Congressional committees, Department of Energy, Nuclear Regulatory Commission, and the Administrative Office of the U. S. Courts.

To provide initial and advanced professional training and investigative support for FBI agent and support personnel; and to provide training and retraining sessions to Federal, State, local and international law enforcement officers through the FBI National Academy and International programs, enabling them to carry out their increasingly complex responsibilities in an efficient, professional, and effective manner.

MAJOR OBJECTIVES:

- To recruit, process, investigate and hire qualified applicants to obtain/maintain the 1998 appropriated funded staffing levels for both agent and support positions.
- To process a minimum of 80 percent of the background investigations initiated within the deadlines established.
- To procure sufficient contract medical professionals to address the physical examination and drug testing requirements of the hiring process and Special Investigators and typists to ensure timely background investigations.
- To utilize FBI Academy facilities to the maximum and fund other regional training initiatives to support mandated and backlogged in-service training consistent with the Bureau's overall mission.
- To continuously refine and expand the level of training provided to State and local law enforcement agencies, as well as to create and maintain the requisite conditions to facilitate cooperation between FBI and local agencies in areas of mutual concern and interest.
- To insure that all agents and other law enforcement personnel involved in practical applications training are fully capable of conducting successful investigations utilizing sound investigative techniques and utilizing the skills taught and reinforced through practical applications, firearms training, physical training and other academic topics at the FBI Academy.
- To illustrate to Federal, State, and local executive law enforcement participants the most current techniques of leadership and futures research, broaden the view of the law enforcement executives to issues beyond those of immediate interest to law enforcement, explore alternative presentation styles and speakers' capabilities geared to adult learning, continue and expand the law enforcement executive networking, and to provide two NEI programs to Eastern European Law Enforcement Executives per year.
- To expand investigative training capabilities to state-of-the-art instructional technology and distance learning techniques, and to identify and develop the curriculum which will be delivered via distance learning.
- To execute a five-to-ten year recurring cycle of replacing production and presentation equipment and systems to ensure effective delivery of well-produced professional materials so that the FBI Academy can continue to enjoy the reputation as the premier law enforcement training institution.
- To increase the availability of computer technology for training law enforcement, to increase the complement of skilled computer support personnel, to increase the complement of Computer Instructors and to develop a core staff that would facilitate the development of materials on behalf of the FBI.

- To develop new and innovative training programs and to engage in critical behavioral science-related research focusing on gangs and gang violence; youth violence; killing and felonious assault of law enforcement officers; crime analysis; homicide; community policing; hate crime; and predictability of dangerousness.
- To serve as the clearinghouse for all requests for international training; coordinate the responses to those requests with appropriate FBIHQ entities; through continuous assessment of FBI operational interest identify those countries where active investigations might occur; identify operational personnel with substantive experiences to deliver FBI training programs; develop and sponsor effective Instructor Development and Cultural Awareness Seminars to prepare FBI instructor personnel program delivery; for each substantive program, design state-of-the-art curriculum modules and course materials for teaching in the international police community; develop pre/post-evaluation protocols to be utilized in international police training program evaluations; identify and assign personnel to provide leadership and direction in the development of future FBI-sponsored International Law Enforcement Training Academies; administer the International Law Enforcement Academy (ILEA), Budapest, Hungary.

PROGRAM INCREASES: No program increases are proposed for 1998.

NAME OF DECISION UNIT: Type of Measure	TRAINING, RECRUITMENT AND APPLICANT Performance Indicators		1994		1995		1996		1997		1998	
			Actual	Actual	Actual	Actual	Actual	Actual	Target	Estimate	Target	Target
DEMAND/WORKLOAD												
INPUT	2.1 Agents		115	81	100	106	103	90				
	Support		288	275	296	341	313	396				
OUTPUT	1.1 Total number of students trained.											
	New Agents		64	757	1,090	1,070	1,070	1,070				
	National Academy		1,027	1,029	1,022	1,060	1,060	1,080				
	Specialized-FBI		10,333	9,038	5,261	6,175	4,850	14,440				
	Executive-PLET		165	229	290	200	200	200				
	Specialized-PLET		5,937	4,055	3,171	3,780	2,700	5,500				
	PLET Schools at State, local, and regional facilities by Academy instructors		278	209	191	200	200	250				
	PLET at State, local and regional facilities by Academy instructors		20,728	15,059	10,221	16,000	16,000	20,000				
	Total PLET at State, local and regional facilities		129,238	123,629	117,525	123,000	123,000	125,000				
	International in Budapest		0	66	250	300	250	250				
OUTCOME	1.2 Post In-Service Course Evaluation (1-Very Little, 2-Little, 3-Moderate, 4-Large, 5-Very Large).											
	a. "In your opinion, to what extent was the in-service...relevant to your current assignment?"		4.1	4.0	N/A	5	5	5				
	b. "In your opinion, to what extent did attendance at the in-service improve your ability to carry out your current assignment?"		3.8	3.0	N/A	5	5	5				

NAME OF DECISION UNIT Type of Measure	TRAINING, RECRUITMENT AND APPLICANTS Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Estimate	1998 Target
	1.3 FBI National Academy Program Evaluation General Remarks: 1-Poor, 4- Satisfactory, 7-Excellent)						
	a. "Rate the overall learning atmosphere of the Academy."	6.1	6.1	6.4	7	7	7
	b. "The variety of courses critical to your Professional development offered by the National Academy curriculum is "	6.0	5.9	6.3	7	7	7
	1.4 FBI National Academy Program Course Evaluation (1-Not at all Descriptive, 4-Moderately Descriptive, 7-Highly Descriptive)						
	a. "The overall quality of instruction is high - high."	6.4	6.3	6	7	7	7
	b. "The overall quality of course content is high."	6.2	6.2	6	7	7	7
	c. "Course is well organized."	6.2	6.3	6	7	7	7
	1.5 New Agent Training Dismissals-Firearms	0	1	0	0	0	0
	1.6 New Agent Training Dismissals - Physical Training	0	0	0	0	0	0
	1.7 New Agent Dismissals - Academics	2	1	0	0	0	0
	1.8 New Agent Dismissals - Miscellaneous	0	0	2	0	0	0
	IMPACT						
	PRODUCTIVITY/ EFFICIENCY RATIO						

- A. DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS
- 1.1 None of the data includes DEA training at the FBI Academy, but Academy-based FBI in-service training and training provided to other law enforcement was substantially curtailed during 1986-1990 and is projected through 1999 to accommodate DEA training at the FBI Academy.
- A. DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS
- 1.1 None of the data includes DEA training at the FBI Academy, but Academy-based FBI in-service training and training provided to other law enforcement was substantially curtailed during 1986-1990 and is projected through 1999 to accommodate DEA training at the FBI Academy.
- Specialized-FBI is In-Service/Comprehensive Bureau Management Academy-based training. This training includes specialized, technical, management, and executive related courses for FBI Special Agents and support personnel.
- Other Priority Law Enforcement Training (PLET) consists of specialized, technical, forensic and executive training for State, local, Federal and international law enforcement personnel. This training also includes forums and symposia for emerging issues confronting the national and international law enforcement community.
- The International Law Enforcement Academy (ILEA) in Budapest, Hungary, began operations in April 1995.
- 1.2 Three months after FBI employees attended various in-services at the FBI Academy a questionnaire is sent to them for their evaluation of the in-service they attended. These questions were only two of those asked on the survey. The survey was curtailed in 1996 due to a lack of resources; however, it was resumed in 1997.
- 1.3 At the end of each National Academy session, students complete a questionnaire evaluating their courses.
- 1.4 National Academy students are asked these questions concerning each course they attended.
- B. FACTORS AFFECTING 1996 PERFORMANCE
- The acceleration of New Agent training classes decreased specialized training for FBI personnel and priority law enforcement training.
- The FBI remains supportive of the Field Police Training Program. However, the current emphasis of New Agent training has prevented many units from sending instructors to conduct field schools.
- C. FACTORS AFFECTING SELECTION OF FY 1997 AND 1998 TARGETS
- Specialized training for 1997 is affected by FBI Academy capacity, New Agent training requirements, availability of instructors, and funding. The estimates in 1998 will meet FBI requirements.

- A. DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS
 - I.1 None of the data includes DEA training at the FBI Academy, but Academy-based FBI in-service training and training provided to other law enforcement was substantially curtailed during 1986-1990 and is projected through 1999 to accommodate DEA training at the FBI Academy.
 An increase of 10 students per National Academy session has been proposed effective April 1997.
 In addition to the eight-week ILEA program, the FBI and other agencies will conduct shorter (1-2 week) regional seminars at the ILEA. Additional bed space will allow for approximately 140 such seminars annually. The FBI will be allocated a share of this additional bed space by the ILEA Steering Committee, which is composed of representative from the Department of State and other Federal law enforcement agencies.

NAME OF DECISION UNIT: Type of Measure	TRAINING, RECRUITMENT AND APPLICANT Performance Indicators					
	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Estimate	1998 Target
DEMAND/WORKLOAD						
1.1 Special Agent Applications Pending/Received	N/A	21,524	22,586	22,000	16,000	20,000
1.2 Support Applications Pending/Received	N/A	7,212	14,616	14,000	13,900	14,000
2.1 FBI employees' five-year reinvestigations requested	33	1,296	2,723	2,700	2,700	5,000
3.1 Reimbursable Background Investigations (BIs) for other Government Entities (OXIIS) Pending/Received	2,046	2,260	2,056	2,050	2,120	2,000
3.2 Non-reimbursable BIs for OXIIS Pending/Received	2,709	2,685	1,438	2,600	2,000	2,000
INPUT						
Resources:						
I. Personnel						
A. Direct Funded Workyears						
1. Agent	214	321	376	95	95	95
2. Support	189	268	292	177	177	190
B. Reimbursable Workyears						
1. Agent	42	49	24	0	...	...
2. Support	66	71	45	49	49	49
II. Budget						
A. Appropriations	38,971,000	52,122,000	32,064,000	35,497,000	32,064,000	47,700,000
B. Reimbursable Earnings	8,220,000	8,415,000	3,700,914	1,057,000	3,000,000	3,000,000

NAME OF DECISION UNIT:		TRAINING, RECRUITMENT AND APPLICANT				
Type of Measure	Performance Indicators	1994	1995	1996	1997	1998
		Actual	Actual	Actual	Target	Target
OUTPUT	1.1 Special Agent Applicants Processed (Pre-BI)		19,524	21,200	20,000	20,000
	1.2 Special Agent BIs Initiated	91	2,110	3,246	3,171	3,100
	1.3 Special Agent BIs Completed	89	1,353	2,705	2,537	2,537
	1.4 Support Applicants Processed (Pre-BI)		6,400	9,900	7,325	7,325
	1.5 Support BIs Initiated		1,780	4,596	7,821	7,821
	1.6 Support BIs Completed	1,100	1,599	3,677	6,257	6,257
	3.1 Reimbursable BIs for OGE Initiated	1,028	1,668	1,563	1,600	1,600
	3.2 Reimbursable BIs Completed for OGE	1,627	1,736	1,492	1,500	1,500
	3.3 Non-reimbursable BIs for OGE Initiated	1,430	2,381	1,100	2,120	2,000
	3.4 Non-reimbursable BIs Completed for OGE	2,379	2,251	1,106	2,000	2,000
	3.5 FBI employees' five-year reinvestigations completed by BICS Investigators	33	1,296	2,424	2,400	5,000
	1.1 Special Agent Applicant Resolved (Employment Offer Decision Made)		1,266	2,164	1,980	1,234
	1.2 Support Applicants Resolved (Applicants (Employment Offer Decision Made)	54	1,068	3,280	3,100	1,500
	1.3 Special Agent Hires	660	757	1,082	1,057	617
	1.4 Support Hires	856	1,579	2,733	2,607	862
OUTCOME	1.5 Average number of BIs conducted per FBI hire	2.5	2.5	2.5	2.5	2.5
	2.1 Number of Field Offices in Which the Background Investigation Contract Service (BICS) is Deployed	13	18	33	56	56
	2.2 Number of Subclassifications in which BICS has Expanded	24	27	27	39	39

NAME OF DECISION UNIT:		TRAINING, RECRUITMENT AND APPLICANT					
Type of Measure	Performance Indicators	1994	1995	1996	1997	1997	1998
IMPACT		Actual	Actual	Actual	Target	Estimate	Target
	1.1 The FBI's multi-jurisdictional investigative powers require the hiring of highly qualified personnel to effectively accomplish its mission.						
PRODUCTIVITY/ EFFICIENCY RATIO	3.1 Percentage of Reimbursable BIs Completed Within Established Deadline	71%	78%	40%	85%	80%	85%
	3.2 Percentage of Non-reimbursable BIs Completed Within Established Deadline	68%	78%	50%	85%	80%	85%
	3.3 Percentage of OGE Satisfied with BI Quality and Timeliness	100%	100%	95%	100%	100%	100%

A.	DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS
1.1	None of the data includes DEA training at the FBI Academy, but Academy-based FBI in-service training and training provided to other law enforcement was substantially curtailed during 1986-1990 and is projected through 1999 to accommodate DEA training at the FBI Academy.
A.	DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS
	DEMAND/WORK-LOAD
1.1 & 1.2	Due to the two-year hiring freeze (1992-1994), a backlog of applications were pending. Actual numbers not maintained for 1994.
3.1 & 3.2	DEMAND/ WORK-LOAD & OUTPUT Reimbursable background investigations are those in which the FBI is compensated for the cost of providing the service by the user. The FBI is reimbursed by the Department of Energy, Nuclear Regulatory Commission, Administrative Office of the U. S. Courts, the Department of Justice, and the White House.
3.2 & 3.3	DEMAND/WORK-LOAD & OUTPUT Non-reimbursable background investigations are funded through the FBI's base level funds. Non-reimbursable background investigations include FBI Special Agent and support background investigations, various Congressional Committees and certain background investigations conducted for the Department of Justice and the White House.
1.1	OUTPUT Special Agent Applicants are processed in phases. Phase I is a battery of tests comprised of three written tests and Phase II consists of an interview and written simulation tests.
3.1 & 3.2	OUTPUT One contributing factor to the reduced number of reimbursable and non-reimbursable investigations received from OGEs could be the month-long shutdown of many Federal agencies in 1996, inclement weather and the uncertain budget atmosphere during the first half of the fiscal year.
3.1 & 3.2	DEMAND/WORK-LOAD & OUTPUT During the FY 1995 budget process, the Level II Presidential appointment background investigations (subclassification 161 B) were converted from direct funded to reimbursable. These include Assistant Secretaries of Executive Branch departments and independent establishments of Government corporations wherein the requests emanate from the White House.
1.1	OUTCOME Special Agent Applicants Resolved represents Special Agent applicants who passed Phase II and receive a conditional letter of employment pending background investigation and polygraph results.

A. DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS

- 1.1 None of the data includes DEA training at the FBI Academy, but Academy-based FBI in-service training and training provided to other law enforcement was substantially curtailed during 1986-1990 and is projected through 1999 to accommodate DEA training at the FBI Academy.
- 1.2 Support Applicant Resolved represents support applicants who receive a conditional letter of appointment pending background investigation and polygraph results.

DEMAND/WORK-LOAD, OUTPUT & OUTCOME

- 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.1, 3.2, 3.3, 3.4, 3.5, & 2.2 The different types of background investigations are broken down to subclassifications for Time Utilization Record Keeping. As the BICS Program expands into additional Field Office territories, not all types of background investigations (subclassifications) are handled by BICS immediately. Reimbursable subclassifications are handled first, followed by non-reimbursable subclassifications in 30 to 60 days.
- Currently, the BICS Program is addressing 27 background investigation subclassifications. However, because of shortages in personnel resources, not all 27 subclassifications are handled in each field office where BICS has established a presence.

PRODUCTIVITY/EFFICIENCY RATIOS

- 3.3 Satisfaction rate currently based upon verbal liaison with points of contact with other Government entities. A survey is to be developed by the end of 1996, to solicit customer satisfaction rates.

3.1 & 3.2

Following the 1992-94 hiring freeze, and since the Director appropriated Congressional authorization to hire additional Special Agent personnel, the Applicant Program's emphasis in meeting deadlines shifted to Bureau applicants. These shifting priorities impacted on meeting deadlines in background investigations for OGEs. Established deadlines vary for each type of background investigation classification. These deadlines have been negotiated with the non-FBI entities for which background investigations are conducted to accommodate their needs, and are assigned to FBI Special Agent and support applicant background investigations to accommodate FBI hiring needs.

B. FACTORS AFFECTING 1996 PERFORMANCE:

INPUT & OUTCOME

- 1, 1.3 & 1.4 During the two-year hiring freeze, the FBI realigned resources previously assigned to the Applicant Program to higher priority areas. Implementation of the FBI's escalated hiring plan has placed a significant strain on the resources currently available for this program. Streamlining efforts and realignment of resources contributed to the FBI's success in meeting the hiring demands.

OUTCOME:

- 1.4 Support hires for 1996 include 100 Honors Interns and 1,201 summer employees. Full background investigations are not required for the FBI's summer employee program.

C. FACTORS AFFECTING SELECTION OF FISCAL YEAR 1997 AND 1998 TARGETS:

- A. DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS
- 1.1 None of the data includes DEA training at the FBI Academy, but Academy-based FBI in-service training and training provided to other law enforcement was substantially curtailed during 1986-1990 and is projected through 1999 to accommodate DEA training at the FBI Academy.
- 1.1.3 1.4, 2.1
& 2.2 INPUT & OUTCOME
Shortages of personnel resources could impact upon the schedule for full implementation of BICS to all Field Offices. To adequately address the FBI's escalated hiring plan and deploy the BICS concept to all field entities, a realignment/reprogramming of work years could be required.
- 3.2, 3.3, 3.4, DEMAND/WORK-LOAD, OUTPUT & PRODUCTIVITY/EFFICIENCY
3.2 & 3.3 The 1996 Presidential election is expected to impact the number of background investigations requested during 1997. Traditionally, during the first year of a Presidential Administration, whether or not a new President is elected, requests for background investigations dramatically increase.
- 1.1, 1.1.1 2. DEMAND/WORK-LOAD, OUTPUT & OUTCOME
1.3, 1.1 & 1.3 There is the potential for a higher attrition rate for Special Agents in 1998 and 1999. This stems from the number of Special Agents reaching mandatory retirement age (200 in 1998 and 231 in 1999).

Federal Bureau of Investigation
Salaries and Expenses
Justification of Program and Performance
(Dollars in thousands)

Forensic Services	Perm.		EIE	Amount
	Pos.			
1997 Appropriation Anticipated	722	665		\$76,585
1998 Base Anticipated	722	684		76,508
1998 Estimate	722	684		76,508
Increase/Decrease	...	...		...

BASE-LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: The Forensic Services program also has 1998 base funding in other FBI appropriations accounts, including \$34,369,000 in VCRP and \$32,559,000 in Construction.

The FBI Laboratory provides forensic examinations and related services to Federal, State, and local law enforcement agencies through a total commitment to quality service; prompt, accurate and thorough response to all requests; technical leadership; innovative use of technology to facilitate investigations; sharing information and technology with the Federal and non-Federal criminal justice community; and a work environment which fosters open communication, creativity, individual initiative and personal achievement.

The successful investigation and prosecution of crimes requires, in most cases, the collection, examination, and scientific analysis of evidence recovered at the scene of the incident and obtained during the course of the investigation. Oftentimes, the availability and presentation of physical evidence is used in court to demonstrate the guilt, either directly or circumstantially, of the person on trial. The Forensic Services program supports the operations of the FBI Laboratory, one of the largest and most comprehensive crime laboratories in the world and the only full-service Federal forensic laboratory. The FBI Laboratory performs examinations of evidence for all duly constituted law enforcement agencies -- Federal, State, and local -- in the United States.

The FBI Laboratory is recognized as a leader in the scientific analysis and solution of crime in the United States. Since its inception, the FBI Laboratory has consistently strived to enhance its service to the law enforcement and criminal justice communities. Through exhaustive analysis, appropriate methodologies are developed to apply the most recent scientific and technological innovations to the examination of forensic evidence in criminal investigations. The reliability of these techniques is crucial, not only to the law enforcement profession, but also the public it serves.

Examinations of evidence are performed, free of charge, for all duly constituted law enforcement agencies in the United States, that do not have access to the sophisticated instrumentation and/or expertise necessary to perform forensic examination(s). During FY 1996, the FBI Laboratory examiners and technicians conducted 696,543 examinations

of evidentiary items submitted. Additionally, 2,184,998 latent fingerprint examinations were performed.

The FBI Laboratory also provides investigative support for such programs as the Polygraph Program, the Special Photo Unit, and the Foreign Language Services Program. In FY 1996, the FBI Laboratory conducted 8,307 polygraph examinations and processed 1,353,271 photographs. Additionally, 9,492 pages from written and oral communications were translated by qualified FBI foreign language specialists and contract linguists.

The FBI Laboratory is organized into five functional groups: Scientific Analysis; Investigative and Operational Support; Latent Fingerprints; Forensic Science Research and Training; and Special Projects.

THE SCIENTIFIC ANALYSIS SECTION

The Scientific Analysis Section (SAS) supports the examination of physical and biological evidence, primarily from violent crime. Approximately 70 percent of the SAS work is submitted by State and local law enforcement. The SAS conducts forensic examinations in the following areas: chemical, biological, nuclear (CBN) hazards; chemistry/toxicology, including product tampering; explosive devices, including bomb materials and construction; firearms and toolmark identification, including DRUGFIRE, an investigative database that links serial shooting incidents and identifies weapons used in gang and drug-related crimes; materials analysis, including explosive residues, metals, paints, plastics, soils, and glass; hairs and fibers; DNA analysis; and the Combined DNA Index System (CODIS), a national database containing DNA profiles of convicted sex offenders and other violent offenders, as well as data regarding unsolved cases and missing persons.

Hazardous Materials Response: The services of the FBI Laboratory have proven to be crucial to law enforcement agencies in the United States, especially in counterterrorism investigations. Since September 1995, the FBI Laboratory has been developing basic capabilities for responding to and resolving the scientific, forensic and technical aspects of incidents involving chemical, biological, and nuclear (CBN) materials. This effort is consistent with the FBI's counterterrorism roles and responsibilities articulated by Presidential Decision Directive (PDD) 39, "U.S. Policy on Counterterrorism."

The 1997 Counterterrorism Amendment provided the FBI with a program increase of 18 positions (6 agent) and \$6,846,000 to establish an effective, multifaceted forensic technical response capability within the FBI Laboratory for CBN terrorism incidents and environmental crimes. This capability, managed by the recently formed Hazardous Materials Response Unit, is regarded as a long term investment with personnel, equipment, research and development, as well as training. Eventually, the HMRU will manage program areas in biological hazards, chemical hazards, radiology hazards, environmental crimes, and health, safety, and information management.

The FBI Laboratory has collaborated with the FBI's National Security Division (NSD), the Criminal Investigative Division (CID), FBI field offices and selected external organizations to develop a multi-pronged approach to problems involving CBN materials. The FBI Laboratory generally divides these into two categories of investigations: CBN materials involved in terrorist situations and hazardous materials involved in environmental crimes. The FBI recognizes the significant threat these situations pose to public safety for which mitigation is the primary concern; however, the FBI also takes the approach that all reasonable scientific and technical capabilities should be applied to their resolution. Successful resolution of CBN incidents and environmental crimes will be significantly more probable when substantive and technical (including forensic) investigative techniques

are cohesively and effectively applied.

The FBI believes the most effective response to CBN hazards will occur from scientific and technical operational expertise within the FBI Laboratory. In concert with the FBI's National Security Division (NSD) as the CBN investigative program manager, the FBI Laboratory has set about developing a flexible and holistic scientific and technical response to CBN events. The FBI Laboratory has attacked CBN problems from a number of perspectives, which address the spectrum of issues of interest within the Laboratory, field response, and access to and from other agencies. While the FBI currently relies on the support of other Federal agencies who possess specific technical expertise and equipment to respond to an CBN incident, such agencies have neither the law enforcement authority nor the expertise to collect and preserve evidence at a crime scene, or subsequently to testify in court proceedings. Trained and equipped FBI Laboratory personnel and Evidence Response Teams (ERT), both of which would have the capability to operate in potentially contaminated environments, will provide a leadership role with other appropriate responders to exploit these crime scenes for the spectrum of forensic evidence that may be present.

The FBI views the site of an CBN or environmental hazard not only as a threat to the safety and health of the public, but also as a crime scene that must be comprehensively exploited to characterize, identify and/or associate those involved to ensure the identification, apprehension, and successful prosecution of responsible parties. The establishment of the Hazardous Materials Response Unit (HMRU) provides the capability for meeting these objectives. The FBI is aggressively pursuing specialized training and equipment for Laboratory personnel and ERTs to enable them to operate safely and effectively within potentially contaminated environments. Training is being pursued via the military, civilian contractors and the Environmental Protection Agency (EPA). Additionally, FBI personnel have begun training with military CBN responders in field exercises.

CBN events can potentially involve multiple agencies for both threat assessment and incident management response. Therefore, it is imperative that all parties understand each others' roles, responsibilities and capabilities. For example, prior to and during the 1996 Summer Olympic Games in Atlanta, Georgia, the FBI Laboratory played key leadership roles in the first-ever organization of a multiagency capability, the definition of roles and responsibilities of partner agencies, and the staging of CBN incidents. These hazardous materials exercises and response methods are now considered the model upon which future CBN planning and preparations will be derived. HMRU was also the catalyst for the acquisition and receipt of hazardous materials response training for itself and several ERTs, some of whom were deployed in Atlanta, giving the ERTs a new dimension.

Currently, considerable attention is being given to CBN response to support counterterrorism response and preparations for future special events. The FBI Laboratory is expected to serve as the leader in the Federal civilian government in CBN planning and response and is continuing its commitment to a fully capable, national program supported by several key agencies. The FBI is aggressively pursuing interaction with several aspects of the Department of Defense, EPA, Public Health Service, World Health Organization, and academic experts to obtain or develop needed equipment, expertise, fieldable responses or other resources. FBI Laboratory personnel are being asked to discuss CBN topics in a number of forums, such as the American Academy of Forensic Sciences Annual Meeting, U.S. National Laboratories Conferences, and the International Conferences on Nuclear Smuggling. FBI Laboratory personnel have also attended a number of high-level scientific symposia involving pertinent biomedical disciplines.

Of the \$6,846,000 received in 1997, approximately \$500,000 will be used to initiate a study to determine the need and feasibility of a specialized FBI-Department of Defense (DOD) CBN Containment Facility. This will enable the FBI to determine the requirements of a containment facility; the size, scope, and cost estimates for a containment facility; potential locations for a facility; and the availability of existing Government facilities that could meet the forensic requirements of the FBI Laboratory. Due to the extreme toxicity

and sensitivity of CBN materials, these examinations could not be conducted in the new FBI Laboratory facility. The rapid evolution of the HMRP has only recently resulted in the identification of a need for a hazardous materials containment and forensic analysis facility.

CODIS: The FBI has developed CODIS to function as a national DNA database system containing indices of DNA profiles from convicted offenders and unsolved crime scenes. A missing persons index is under development. CODIS permits State and local law enforcement crime laboratories to exchange and compare DNA profiles electronically, thereby linking serial violent crimes (especially rapes) to each other and identifying suspects by matching DNA from crime scenes to convicted sex offenders. As of January, 1997, there are 57 CODIS sites in 27 States and the District of Columbia. The FBI anticipates that an additional 27 laboratories will install CODIS in 1997, bringing the total CODIS sites to 84. The FBI Laboratory manages the CODIS program. Computer support and maintenance are provided through a service contract with Synetics Corporation. The continued success of CODIS rests on having sufficient contractor personnel to sustain software development and maintenance, conduct installations and user training, and provide technical support to the FBI and State and local crime laboratories.

DNA testing is provided free of charge to any law enforcement agency in the U.S., including travel for examiners to testify in court. From 1991 to 1993, DNA cases submitted to the FBI Laboratory increased by 53 percent. From 1995 to 1997, it is projected that DNA cases submitted will increase by another 92 percent. This increase is due largely to the introduction of new DNA testing techniques that will permit testing on smaller quantities of DNA, as well as new tissues (e.g., bone, teeth, hair, and skin). Due to these new techniques, more cases will be addressed than ever before, and the demand for new testing information will increase significantly. The forensic science and law enforcement communities are already aware of these new DNA technologies being brought on-line and are preparing to utilize this valuable service.

DRUGFIRE: DRUGFIRE is a computer database system which allows laboratories within a region or large metropolitan area to exchange and compare images of fired ammunition casings. The microscopic machining marks on cartridge cases or bullets, resulting when a gun is fired, are scanned, and the image is stored in the DRUGFIRE database. After searching the database, these images are then electronically recalled, transmitted, compared, and matched to other evidence, thereby connecting shootings previously thought unrelated or linking crimes to certain weapons. The FBI acquired the services of Mnemonic Systems, Inc. (MSI) to develop the DRUGFIRE system. Color reference libraries of the FBI Laboratory's ammunition and firearms collections (stored on CD-ROM) will be an additional feature of the DRUGFIRE system. Also, networking capabilities will be expanded to allow inter-regional exchange of DRUGFIRE images and data between any two DRUGFIRE sites in the United States. As of December, 1996, there were 73 DRUGFIRE sites within the United States, with another 73 laboratories expected to install DRUGFIRE by the end of calendar year 1997. MSI will develop the networking capability through the existing contract. This development would essentially migrate DRUGFIRE from a regional system to the first fully integrated, national firearm and cartridge case/bullet database system. The FBI is also beginning to examine the possibility of re-engineering the algorithms used to search, select, and rank candidate matches. Preliminary results are very promising that all true matches can be ranked very close to the top of the list of candidate images. Following testing to document sensitivity and accuracy, these advances would be included in future releases of DRUGFIRE software.

DRUGFIRE has linked nearly 1,400 cartridge cases, matching one of every eight cartridge cases entered from crime scenes and providing police with investigative leads that would otherwise have gone undetected. In some cases, the match shows that the same gun was used repeatedly in criminal activity. In other cases, a seized gun was test-fired and linked to one or more previous shootings. For example, during "Operation Clean-Up," the FBI used DRUGFIRE to assist the Washington Metropolitan Police Department in working through its backlog of over 2,000 firearms cases. DRUGFIRE proved to be highly successful, recording 38 hits and linking 57 cartridge cases of the 247 cartridge cases entered, a

23 percent hit rate.

Forensic Database Development: The FBI's 1998 budget includes \$1,400,000 to begin development of a forensic database that would share information on evidence (explosives, firearms, latent fingerprints) in terrorist incidents with other forensic laboratories. In cooperation with the FBI's National Security Division (NSD), the Laboratory Division (LD) will develop and deploy proven forensic database systems to allow foreign national police organizations to share information from evidence collected in international terrorist incidents. Initially, this initiative will focus on the so-called P-8 countries, i.e., Canada, Germany, Italy, United Kingdom, Japan, France, Russia, and the U.S. After the International Terrorism Forensic Database Program is established, other countries will be invited to join, possibly including other members of the European Union, countries in Eastern Europe, certain Middle East countries, and Mexico.

At first, the program will include the following forensic database systems: (1) EXPRESS, which correlates information from bombing crime scenes and undetonated explosive devices, and provides a reference database for explosives; (2) DRUGFIRE, which automatically matches firearms evidence (i.e., cartridge cases and bullets) from serial shooting incidents and seized firearms; and (3) AFIS, which automatically matches latent fingerprints from crime scenes and evidence against 10-print cards from known individuals, and links latent prints to each other, thereby linking individuals to multiple crime scenes.

NSD will serve as liaison with the foreign intelligence and law enforcement communities and receive all information to be stored in the forensic databases. NSD will also review match results and provide guidance and/or instruction for returning information to requesting or contributing agencies regarding possible linkages between cases. The FBI Laboratory will be responsible for entering all forensic information in the three database systems, maintaining and operating the terrorism databases, and providing technical support to NSD and foreign contributors regarding system use or operation.

Explosives Unit/Bomb Data Center: In 1997, the FBI received a program increase of 10 positions (six agent) and \$1,390,000 for the FBI Laboratory's Explosive Unit/Bomb Data Center (EU-BDC). This funding enables the FBI to improve the quality of training at the Hazardous Devices School (HDS), Redstone Arsenal, through equipment upgrades, instructor training, and facility improvements, and provides advanced tools, crime scene gear, techniques and instruction for public safety explosives personnel. The FBI Laboratory examines evidence in bombing matters and presents expert testimony in courts concerning forensic finds. Forensic examinations of Improvised Explosive and Incendiary Devices and their remnants involve the identification of the components used in the construction of these devices which include detonators, initiators, wires, tapes, timing mechanisms, electronic components, power sources, containers, and the main charge explosives. This mission includes direct field support in bombing matters, crime scene investigations, and searches of bomb factories and safe houses where bombs and explosives may be encountered. Additionally, the FBI's Bomb Data Center (BDC) provides training and assistance to public safety bomb disposal technicians.

The FBI must be able to conduct programs that keep the FBI Laboratory at the forefront of technology with regard to Improvised Explosive Devices (IEDs) and to continue to provide on-site support in crisis situations such as the Oklahoma City bombing, the crash of TWA Flight 800, the Centennial Park Olympic bombing, and the search and upcoming prosecution of Ted Kaczynski (UNABOMB).

The FBI currently has approximately 90 Special Agent Bomb Technicians assigned to field offices and resident agencies. In addition to their primary duties as an investigator in

their office of assignment, these bomb technicians are tasked with providing training at regional classes, technical assistance at special events, crisis management and liaison and support functions. With the increased threat from sophisticated IEDs, such as chemical/biological devices and large vehicle bombs, the FBI must make a commitment to provide advanced technology to the United States bomb technician community.

Currently, in order to advance the understanding of IEDs, the EU-BDC is conducting research programs into improvised explosive residues, fertilizer-type explosives, pipe bomb damage assessment, render safe methods and equipment, personal protection apparel (bomb suits) and other matters pertaining to IED examinations, both prior to and subsequent to the explosion. Additionally, the EU-BDC has a responsibility to provide Post Blast Investigator's School training to FBI Agents, Evidence Response Teams, other Federal agencies, and State and local law enforcement. This type of explosives training is necessary to ensure that proper measures are taken at a bombing crime scene to prevent loss of evidence or contamination of evidence and to ensure proper packaging and handling.

Due to increased sophistication and advanced technology deployed by international and domestic extremist groups, it is essential that the FBI provide the best possible training for State and local public safety officers as bomb squad technicians. This training is conducted through an Inter-Service Agency Agreement with the U.S. Army at the HDS, Redstone Arsenal. The current budget for the school is \$1,525,000, which covers personnel compensation/benefits for civilian instructors, consumables/supplies, and some reimbursable services to the Army. For 1998, the FBI anticipates having to increase the civilian workforce at HDS due to the loss of two military instructors as a result of the downsizing of the U. S. Army at Redstone Arsenal.

An integral part of the FBI's bomb program is to provide advanced training to State and local bomb squads. There is a tremendous demand for training in both bombing crime scene procedures as well as IED disposal methods. Through regional seminars and training, the FBI Laboratory plays a major leadership role in the bomb technician/investigator community. Base funding provides the deployment of advanced tools, techniques and instruction directly to the public safety personnel who represent the front line in the counterterrorism battle. Additionally, the funding enables the FBI to upgrade its forensic and pre-blast capabilities by purchasing advanced diagnostic and electronic systems, crime scene gear and forensic analysis equipment.

THE INVESTIGATIVE AND OPERATIONS SUPPORT SECTION

The Investigative and Operations Support Section supports examinations of evidence in criminal investigations, including the analysis of computer-based records seized from criminal enterprises or financial institutions (e.g., banks, savings & loans, and insurance companies); polygraph service, including training and quality assurance of field agent polygraph examiners; racketeering records, including analysis of encrypted records of drug trafficking, gambling, prostitution, money laundering, and other criminal enterprises; and, special photography, including crime scene photography, aerial surveillance, and training and equipping field photographers.

Computer Analysis and Response Team (CART): The widespread use of computers and the rapidly developing technology of computer systems have combined to dramatically increase the volume and complexity of computer evidence. Today, FBI Agents routinely encounter computers in cases dealing with health care fraud, child pornography, terrorism, drugs, financial institution fraud, public corruption, and in almost every other investigative classification for which the FBI is responsible. CART provides forensic examinations and on-site field support to all FBI investigations and programs where computers and storage media are encountered. CART is staffed by a cadre of specially trained field examiners assigned to major field offices and a supporting technical staff within the FBI Laboratory. The FBI proposes to continue expanding CART capabilities in the field so that fully equipped and qualified examiners are available in each of the 56 field offices.

The 1997 Appropriation provided a program increase of \$1,180,000 for CART equipment, training, and upgrades to the CART forensic network. This amount includes \$600,000 for CART equipment; \$280,000 for training required to secure and maintain status as qualified experts in this subject area; and \$300,000 to upgrade the CART forensic network. Of the \$1,180,000, the FBI proposes a removal of \$490,000 in 1998 to maintain the CART program. Growth in the number of CART examiners, workload and complexity of computer systems encountered require a formal and consistent funding level for this program. Since CART's inception in 1984, the program at FBIHQ has grown from two examiners working part time to a staff of 11 certified examiners within the FBI Laboratory. Several years ago, the FBI Laboratory recognized that field offices required the capability to perform analysis of electronic media seized as evidence which could most efficiently be performed locally rather than at FBI Headquarters. Through the CART program, training and specialized equipment were provided to Special Agents in targeted offices. This effort to place forensic computer expertise as close to the investigation as possible has proven very successful. Unlike other types of forensic examinations, data recovery from computers is most efficient when it is limited by the evidentiary objectives of the investigation and narrowly focused on information which is probative and case related. In order to sustain this focus, it is desirable and in some instances necessary, to have the forensic examiner and the investigator work as a team in the recovery of information. Cases addressed by the FBI Laboratory have increased from two in 1985 to 520 in 1996.

During 1998, the FBI proposes adding 20 CART field examiners to bring the total complement of field examiners to 60. In addition, the FBI plans to hire an additional ten CART examiners at FBIHQ, bringing the total to 20 examiners at FBIHQ. To support this effort, the FBI requires specialized equipment, training, and upgrades to CART's forensic network server to accommodate the increase in examiners. Each CART examiner requires specialized equipment consisting of:

Item	Price	Purpose
- Pentium desktop computer with IDE and SCSI drives, SVGA monitor, and associated hardware.	\$3,700	Examinations in field offices
- Fully configured laptop with 4 GB hard drive docking station.	9,700	For use at crime scenes to collect evidentiary material
- 2 and 4 external SCSI tape drives and external Magneto Optical drive.	4,100	Backup evidence on site
- Laser printer, adapters, cables, terminators, tapes and Optical media, etc.	2,500	Print out reports at workstations in field
Total	\$20,000	

Each CART examiner is required to become a Certified Network Engineer. This certification is considered essential for these specialists to testify as expert witnesses in court and before grand juries. Training costs address not only newly established examiner positions, but also the continuing training needs of CART examiners already on board, both at FBIHQ and in the field.

The Investigative and Operations Support Section is also responsible for applying forensic photographic principles to evidence; planning and conducting aerial mapping surveys for raids or intelligence gathering; photo/grammetric computations; examining evidence and testifying to those results; the research, procuring, inventory and distribution of all FBI photo equipment; conducting on-site searches for photographic evidence in foreign counterintelligence matters; limited undercover assignments to gather necessary photographs; management of the field office photographers and photographic training; design, construction and installation of photographic concealment, camera modifications and repairs; and tactical and evidentiary photographic support for the Crisis Management Teams, Evidence Response Teams (ERT), regional Special Weapons and Tactics (SWAT) and the Hostage Rescue Team (HRT).

THE LATENT FINGERPRINT SECTION

The Latent Fingerprint Section (LFPS) examines crime scene evidence to identify fingerprints, palm prints and footprints. This section also conducts research to develop automated methods for matching latent fingerprints to files of known fingerprints. The Latent Fingerprint Section Disaster Squad responds to disasters to help identify human remains.

THE FORENSIC SCIENCE RESEARCH AND TRAINING CENTER

The Forensic Science Research and Training Center (FSRTC), located at the FBI Academy in Quantico, Virginia, conducts research to develop new techniques of forensic analysis and provides training to FBI personnel and forensic scientists from State and local crime laboratories. State and local crime laboratories and law enforcement personnel receive FBI Laboratory training in forensic science courses, some of which are not available anywhere else in the country. During FY 1996, the FBI trained approximately 3,300 students in basic and advanced forensic science courses. Without this training, jurisdictional laboratories would find it difficult to improve and expand their capabilities and develop staff expertise. In addition, FSRTC sponsors international training symposia to exchange the technical and scientific information on topics of interest to the forensic community and publishes the quarterly *Crime Laboratory Digest*.

The FBI must continue its leadership role in forensic research and the application of emerging technologies to current and anticipated crime problems. As the field of forensic science continues to undergo technological advancement, the FBI Laboratory must focus its research and development on more expansive and technologically based investigative support. For example, the FBI Laboratory is a recognized leader within the worldwide forensic community in DNA analysis and has established court accepted standards and protocols for forensic application of this technology through the Combined DNA Index System (CODIS). In addition, through extensive research and development, the FBI Laboratory has developed and enhanced the capabilities of a Computer Analysis and Response Team (CART) and DRUGFIRE, an automated scanning and retrieval system for ballistic comparisons.

SPECIAL PROJECTS SECTION

The Laboratory's Special Projects Section provides a wide range of investigative and operational support services to the FBI including photo processing for Headquarters and field offices; design and construction of trial exhibits and models; video image enhancement; fabrication of specially-designed devices and investigative equipment; and language services, including translation, training and testing of language specialists. Multilingual translators furnish verbatim or summary translations of foreign language materials submitted by the field and Legal Attaché offices and act as interpreters as required in FBI investigations. Language proficiency of applicants and on board personnel is tested and evaluated relative to suitability for hiring and assignment. Contract agreements are made with non-FBI translators proficient in critical foreign languages where current personnel are unable to handle requirements. The Section affords overall management to the FBI's corps of Language Specialists assigned to field offices. This includes recruitment, testing, deployment, utilization, production evaluation, selection for temporary duty assignments, and approving promotions. The Section plays a similar role in the management of the Special Agent Linguist program.

LONG-RANGE GOAL(S): To support the Federal and non-Federal criminal justice systems by: conducting scientific analysis of physical evidence to develop probative information to reconstruct a crime and to identify those responsible for such crimes; providing specialized scientific and technical support to ongoing investigations; developing an automated database of DNA patterns from evidence and/or individuals for examination and comparison; providing expert testimony in court; developing a database and network software to match and exchange images of firearms evidence from violent crimes; and providing specialized forensic science training, analysis, and technical assistance to crime laboratory personnel and crime scene training to law enforcement personnel.

MAJOR OBJECTIVES:

- To perform forensic and latent fingerprint examinations for Federal, State and local investigations for duly constituted and authorized law enforcement agencies.
- To provide technical assistance and instruction services to the law enforcement community through specialized forensic science schools, scientific conferences and symposia.
- To increase the number of State and local laboratories participating in the FBI's Combined DNA Index System (CODIS), DRUGFIRE, and other forensic database programs.
- To provide FBI Laboratory examiners, technicians, and support employees with the most modern state-of-the-art forensic laboratory facilities, equipment, instrumentation and techniques.
- To enhance the ability of FBI investigations to collect evidence and counter foreign intelligence efforts and terrorism threats through enhancement of programs such as Hazardous Materials Response, Language Services, Evidence Response Teams (ERT) and the Computer Analysis and Response Teams (CART).

- To provide FBI Evidence Response Teams (ERT) with the appropriate protective gear, technical equipment, supplies, and training necessary to conduct crime scene preservation and collection of evidence.
- To continue research, development, and implementation of mitochondrial DNA, Polymerase Chain Reaction (PCR) DNA and chemiluminescence techniques.
- To improve the timeliness of the FBI Laboratory's case turnaround time.
- To establish, manage, and administer a Federal DNA Database program.

PROGRAM INCREASES: No program increases are requested in 1998.

NAME OF DECISION UNIT: Type of Measure	Forensic Services Performance Indicators					
	1994	1995	1996	1997	1998	1999
	Actual	Actual	Actual	Target	Estimate	Target
DEMAND/WORKLOAD						
1. Examination Requests	13,379	16,312	15,984	17,500	17,500	18,000
2. Photo Requests	14,384	13,929	13,858	15,000	15,500	15,500
3. Percent of Requests Resulting in Installation of DRUGFIRE	82%	90%	85%	90%	95%	100%
4. Specimens Submitted	113,201	110,314	136,629	140,000	140,500	140,500
5. Latent Prints Received	14,618	9,092	6,832	7,000	7,000	7,500
INPUT						
Laboratory Resources						
A. Personnel	37	37	51	63	63	63
1. Agent Positions	474	566	643	659	659	659
2. Support Positions						
B. Nonpersonnel	\$44,062,000	\$60,533,000	\$93,514,674	\$112,877,317	\$112,827,317	\$110,876,332
OUTPUT						
6. Examinations Performed	671,807	632,825	696,543	750,000	750,000	800,000
7. Photographs Processed	1,453,802	1,469,397	1,395,271	1,600,000	1,600,000	1,650,000
8. Number of DNA Cases Completed	2,509	2,200	1,247	2,000	2,000	2,800
9. Latent Crime Scenes Processed	38	22	45	50	50	50
10. Latent Fingerprint Cases Completed	10,408	8,103	6,852	7,500	7,500	7,500
11. Latent Fingerprint Comparisons	3,240,387	2,598,964	2,181,998	2,750,000	2,750,000	2,750,000
12. Latent Court Appearances	204	191	128	150	150	150
13. Polygraph Exams	3,398	7,405	8,307	8,500	8,500	9,000
14. Polygraph Chart Reviews	15,757	40,504	44,000	45,000	45,000	45,000
15. Translated Pages	11,865	7,837	9,492	9,500	9,500	9,500
16. Testimonies Given	650	442	419	500	500	500
17. Testimony Workdays	1,470	889	928	1,000	1,000	1,100
18. FBI In-Services	39	12	15	30	30	40
19. In-Services Students Trained	794	189	448	500	500	500
20. ERT Road School Training	48	35	22	18	18	24
21. ERT Road School Students Trained	608	495	460	319	319	536
22. National Academy Students Trained	976	982	1,022	1,080	1,080	1,080
23. Specialized Forensic Classes	26	22	31	30	30	40
24. Students Trained in Specialized Forensic Classes	439	502	877	700	700	700
25. Seminar, Conference and Symposia Attendees	384	391	420	625	625	625
26. Bomb Technician Seminars	12	12	7	9	9	9
27. Bomb Investigator School			4	8	8	8
28. Bomb Technician Students Trained	214	347	264	400	400	400
29. Seminars, Conferences and Symposia	2	2	2	2	2	2
30. Hazardous Devices Schools	20	20	22	22	22	20
31. Hazardous Devices Schools Students Trained	214	347	424	425	425	425
32. Number of Convicted Offender Records in CODIS		47,000	62,000	90,000	90,000	130,000
33. Number of Forensic Records in CODIS		15,000	30,000	50,000	50,000	55,000
34. Number of Cases Worked using CODIS Software		5,000	7,000	7,500	7,500	7,500
35. Number of Laboratories Participating in CODIS	20	41	57	90	150	150
36. Number of Additional Labs Participating in DRUGFIRE	12	19	72	150	190	200

NAME OF DECISION UNIT: Type of Measure	Forensic Services Performance Indicators									
	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
OUTCOME	Actual	Actual	Actual	Target	Estimate	Target	Estimate	Target	Estimate	Target
	1,152	1,399	1,428	1,500	1,600	1,500	1,500	1,500	1,500	1,500
	105	80	120	150	150	150	150	150	150	150
	14	48	70	100	100	100	100	100	100	100
	34	70	110	100	150	100	150	100	225	225
PRODUCTIVITY/EFFICIENCY RATIOS	250	450	750	1,000	1,000	1,000	1,000	1,000	1,000	1,000
	4%	4%	6%	8%	8%	8%	8%	8%	8%	10%
	105	120	120	80	80	80	80	80	80	80
	50	80	80	80	80	80	80	80	80	80

A. Definitions of Terms or Explanations for Indicators

INPUTS

- 1.1 Beginning in 1994, the FBI Laboratory no longer accepted State and local property crime casework.

OUTPUTS

- 1.2 In 1994, in order to reduce turnaround, the Photo Processing Unit no longer processed microfilm for the Criminal Justice Information Services (CJIS) Division.
- 1.8 The dramatic increase in the number of Polygraph Exams and Polygraph Chart Reviews is due to the implementation of the Applicant Program whereby all persons being considered for employment by the Bureau are given a Polygraph examination as part of the interview process.
- 1.10 The Language Services Unit, in an effort to compensate for its shortage of personnel, is performing more summary translations as opposed to verbatim translations, thereby reducing the number of translated pages produced.
- 2.1 Includes Advanced Latent Fingerprint Schools
- 3.1 Forensic DNA Records are DNA profiles developed from evidence recovered from crime scenes. DNA Profile Comparisons are the number of DNA profiles compared by the CODIS software in an attempt to solve violent crimes.
- 3.5 During FY 1996, the FBI sponsored a DRUGFIRE equipment grant program through the Bureau of Justice Assistance to provide equipment to state and local crime laboratories wishing to install DRUGFIRE.

OUTCOMES

- 3.1 A CODIS "hit" is a match made by searching Forensic Profiles and Convicted Offender Profiles. CODIS "hits" represent leads generated in violent crime cases that would

otherwise not be solved.

3.2 CODIS-aided investigations are the number of police investigations for which CODIS "hits" provided information.

3.3 A "cold hit" is defined as the association of a pair of cases that were not previously known or suspected of being related. A "warm hit" is defined as the association of a pair of cases that were suspected of being related prior to comparison in the DRUGFIRE system.

B. Factors Affecting 1996 Program Performance

The current transition to non-agent examiners has affected 1996 performance. The 1994 downsizing of FBIHQ divisions reduced the Laboratory Division's (LD) Special Agent (SA) staffing level from 118 to their current level of 63. The transfer of SAs to the field was to be accomplished concurrently with the selection and training of professional support examiners to perform forensic examinations of evidence and to testify as witnesses in Federal, state and local courts. In FY 1995, Congress appropriated 92 support personnel to replace the agent examiners sent out to the field. Currently 44 of the 92 have been certified as Forensic Examiners.

In addition to the 92 support positions appropriated in FY 1995, the LD also received an increase of 75 support positions and 38 workyears in the President's 1996 Counterterrorism Amendment. The FBI Laboratory's performance and turnaround times (i.e. DNA analysis and typing) are expected to decrease after new examiner hiring and training are completed.

Congressional support has had a positive approach on the FBI's Combined DNA Index System (CODIS) and DRUGFIRE performance measures. CODIS allows State and local crime laboratories to store and match DNA records from convicted offenders and crime scene evidence. VCRP base funds for the FBI's CODIS program total \$15,000,000, of which \$5,500,000 is spent on contract ADP services to continue software development and operate CODIS for State and local crime laboratories. The remaining \$9,500,000 is transferred to the Bureau of Justice Assistance (BJA), Department of Justice, to conduct a grant assistance program for States to establish, develop, and upgrade computerized identification systems compatible with CODIS, the FBI's National Crime Information Center (NCIC), and automated fingerprint systems.

The FBI also has \$4,200,000 in base funds for the FBI's DRUGFIRE program. The FBI plans to spend approximately \$2,200,000 to fund the acquisition of DRUGFIRE equipment for state and local crime laboratories and retain \$2,000,000 to cover the FBI's expense of operating the program. The FBI provides DRUGFIRE software together with installation, training and user support, free of charge. State and local forensic laboratories are responsible for the purchase of computer hardware, maintenance and telephone line charges.

C. Factors Affecting Selection of FY 1997 and FY 1998 Targets.

The Anti-Terrorism and Effective Death Penalty Act of 1996 will affect the number of performance measure activities related to CODIS. This Act provides that "the Director of the Federal Bureau of Investigation may expand the Combined DNA Identification System (CODIS) to include Federal crimes and crimes committed in the District of Columbia". Based on data provided by the U.S. Bureau of Prisons and the Administrative Office of the U.S. Courts, the FBI projects a requirement to collect and type approximately 14,500 DNA samples in 1998. The 14,500 DNA samples include: 11,500 samples from the current Federal inmate population, plus an estimated 3,000 samples from defendants convicted in U.S. District Courts during 1998. The FBI estimates that there will be between 2,500 and 3,000 convictions annually in the U.S. District Courts for offenses which would qualify for inclusion in the Federal convicted offender DNA database.

Federal Bureau of Investigation
Salaries and Expenses
Justification of Program and Performance
(Dollars in thousands)

	Perm.	FTE	Amount
Information Management, Automation, and Telecommunications			
1997 Appropriation Anticipated	567	532	\$141,420
1998 Base Anticipated	567	532	145,095
1998 Estimate	567	532	145,095
Increase/Decrease	...	...	...

BASE LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: The Information Management, Automation, and Telecommunications (IMAT) decision unit serves the American public through its support to all functional areas of the FBI, investigative, law enforcement support, and management and administration. The IMAT program managers have responsibility for carrying out support functions for all FBI program activities as well as other Federal agencies. Some IMAT services include: the National Name Check Program (a reimbursable function); automation support for administrative and investigative purposes (CISP, DRUGFIRE, CODIS, and FOIPA Document Processing System), including Legal Attache posts; information hardware and software acquisitions; crisis response (Rapid Start deployments) and special case support (OKHOMB, UNABOM, MOZARK, and the Olympics); secure and non-secure telecommunications, mail services, and office equipment and pagers. Finally, the IMAT decision unit is the sole administrator for the FBI's information technology budget, acquisition, networking, and implementation.

In recent years, as investigations have become more complex, investigative efforts have increasingly required more complex information processing capabilities. Since these investigations often involve massive volumes of information and multiple jurisdictions, the FBI uses computers to facilitate the collation and analysis of information within the central file system. These systems produce only "temporary" information and have not been listed by the FBI as a separate system of record, despite the fact that it maintains more than 100 such subsystems.

In addition, criminal organizations have embraced automation as a means to enhance their operations and have spawned new categories of crimes the FBI is required to investigate. Examples are illegal data manipulation, software piracy, embezzlement by computer and deliberate break-ins to computer networks by hackers. As the world becomes computerized, so must the FBI to keep pace and to maintain preeminence in the field of law enforcement.

The IMAT provides the means for FBI agents and analysts to gather, store, process, and analyze information to successfully investigate, arrest, and prosecute criminals. With the

expansion of the FBI's responsibilities into the international arena and the broadening of its role in such significant areas as counterterrorism, drugs, and the threat to the nation's infrastructure, today's law enforcement activities are becoming increasingly multi-jurisdictional. DRUGX (a common FBI/DEA database), the establishment of a direct link between the FBI and the Treasury Enforcement Communications System (TECS), and the use of the INTELINK system for enhanced information sharing are especially beneficial when compared to duplicative and time-consuming procedures used to accomplish this exchange without information technology. The FBI has acquired a base technical infrastructure of desktop and portable workstations, mainframe computers, and local and wide area networks. In order to continually meet the challenges presented to investigators, the FBI must acquire and implement more sophisticated investigative support tools, have the capability of sharing information electronically with other agencies, and continue to provide security for the information gathered.

An initial capability in information sharing is being achieved with IMAT base funding. The FBI will begin efforts to comply with the Information Technology Management Reform Act of 1996 with available base resources. The IMAT has implemented a Trusted Guard, which permits networks operating at dissimilar classification levels to share information with DEA and to allow the FBI to access TECS. The IMAT is implementing the Novell network operating system in field offices and at FBIHQ to support a client-server architecture. Base level funding has also provided for a prototype of the document information management capabilities at FBIHQ only.

The FBI provides ongoing efforts to include a Litigation Support prototype as a part of the FBI's prototyping within this initiative. The FBI is working on the development of a secure link to the Internet through the FBI network. This connection will provide access to the private and commercial world. The FBI is building the Law Enforcement Online (LEO) system which provides information sharing capabilities to State and local law enforcement groups.

The FBI is also committed to following the technology of voice processing and voice input to digital and communications equipment. The same is true for multimedia technology, which includes a capability to create, transmit, and present electronic documents or files that integrate information in various forms, including text, images, audio, and video. FBI files contain mainly text documents, but are supplemented with non-textual materials such as videotapes, photographs, and audio tapes. The FBI's electronic case file needs to incorporate such non-textual materials.

Several factors in the current environment mitigate against the continued complete reliance on the existing mainframe environment of the FBI. First, the size of the FBI network has grown to near capacity. The FBI field offices currently use almost 20,000 personal computers and processed more than 2 million documents in 1995. Additionally, the increasing size and number, the increasingly diverse types of applications, and data have made information retrieval vastly more complex.

The FBI utilizes a central records system for maintaining its investigative, personnel, applicant, administrative, and general files. This system consists of a numerical sequence of 281 subject matter files, an alphabetical index to the files, providing cross reference, and a supporting abstract system.

The IMAT is responsible for the operation and management of three mainframe computer centers. These centers, which include the FBI Computer Center located at FBIHQ, as well as regional support centers located at Pocatello, Idaho and Clarksburg, West Virginia support communications and network requirements of the 56 FBI field offices and 400 resident agencies. Each of the regional support centers contain two independent systems. These systems provide internal back-up within each of the centers and allow each center

to back up the critical applications of the other. All applications and databases are copied to tape and stored at offsite locations.

Information collected and analyzed by FBI Agents in criminal investigations and used by U.S. Attorneys in the prosecution of cases, is a basic commodity of the FBI. Without reliable and timely information, the FBI as an organization cannot be effective. As executive department budgets shrink, and the FBI continues to operate under fiscal constraints, there is little doubt that enhanced technological capability - and the associated productivity increases - will become the primary vehicle for the FBI to maintain its leadership position in the law enforcement community.

LONG-RANGE GOAL: To develop and implement a comprehensive, global information system that supports the FBI's major criminal investigative and counterintelligence initiatives, shared access and shared processing of investigative information among law enforcement and criminal justice agencies and of national security information within the intelligence community.

MAJOR OBJECTIVES:

- To modernize and augment computer equipment and software applications, and telecommunications networks within the FBI's current infrastructure to facilitate the necessary transition to a distributed computing environment which will use state-of-the-art tools for information collection, management, analysis, and exploitations.
- To expand and broaden the FBI's current environment for multi-agency cooperation and collaboration essential for dealing with such initiatives as counterterrorism (including threats from chemical or biological agents), economic crime, organized crime, drugs, international law enforcement, and the growing threat to the nation's information infrastructure.
- To provide the necessary tools to analyze investigative and intelligence information as thoroughly as possible to ensure that innocent American citizens are protected from acts of terrorism, threats of hostile foreign governments, dangers of illegal drugs, violence in the streets, and criminal attacks on their financial interests.
- To protect the privacy of citizens and secure sensitive and classified data from hostile elements.
- To provide all the information necessary to ensure that the American national infrastructure is properly protected.

PROGRAM INCREASES: No program increases are requested for 1998.

NAME OF DECISION UNIT: Type of Measure	INFORMATION MANAGEMENT, AUTOMATION & TELECOMMUNICATIONS Performance Indicators	1994				1995				1996				1997				1998 Base				1998 Request			
		Actual	Target	%	Level	Actual	Target	%	Level	Actual	Target	%	Level	Estimate	Target	%	Level	Actual	Target	%	Level	Actual	Target	%	Level
DEMAND/WORKLOAD	1. Investigative Information Search (IIS) requests received	51,897	60,000	86%		56,038	60,000	93%		59,206	60,000	99%		69,000	60,000	115%		67,000	60,000	112%		67,000	60,000	112%	
	2. a. Name checks received	1,776	2,233	79%		2,197	2,233	98%		2,030	2,233	91%		2,335	2,233	105%		2,400	2,233	107%		2,400	2,233	107%	
INPUT	b. Name checks received (Reimbursable)	1,421	1,776	79%		1,767	1,776	99%		1,624	1,776	91%		1,827	1,776	103%		1,920	1,776	108%		1,920	1,776	108%	
	1. IIS-funding	\$1,167,512	\$4,477,740	26%		\$1,167,512	\$4,477,740	26%		\$4,477,740	\$4,477,740	100%		\$5,300,000	\$4,477,740	118%		\$5,618,000	\$4,477,740	125%		\$5,855,000	\$4,477,740	131%	
OUTPUT	2. Name check program- funded workyears	193	193	100%		193	193	100%		193	193	100%		193	193	100%		193	193	100%		193	193	100%	
	1. IIS requests with positive results	48,176	55,800	86%		52,608	55,800	94%		55,800	55,800	100%		59,520	55,800	107%		62,310	55,800	112%		62,310	55,800	112%	
OUTCOMES	2. Name checks	1,750	2,000	88%		2,165	2,000	108%		2,000	2,000	100%		2,300	2,000	115%		2,365	2,000	118%		2,365	2,000	118%	
	a. Completed	1,400	1,600	88%		1,741	1,600	109%		1,600	1,600	100%		1,800	1,600	113%		1,892	1,600	118%		1,892	1,600	118%	
IMPACT	b. Completed-Reimbursable	93%	94%	99%		94%	94%	100%		95%	94%	101%		94%	94%	100%		94%	94%	100%		94%	94%	100%	
	1. % of IIS requests resulting in new investigative information	5-8	4-5	93%		5-8	4-5	93%		4-5	4-5	93%		4-5	4-5	93%		4-5	4-5	93%		4-5	4-5	93%	
Productivity/Efficiency Ratio	2. Name checks: reduced turnaround time (number of days)	1,110	1,270	87%		1,205	1,270	95%		1,270	1,270	100%		1,350	1,270	106%		1,430	1,270	113%		1,430	1,270	113%	
	1. Increased public safety*	84%	100%	84%		89%	100%	89%		100%	100%	100%		100%	100%	100%		100%	100%	100%		100%	100%	100%	
Productivity/Efficiency Ratio	2. Customer Satisfaction	\$4.35	\$4.39	99%		\$4.39	\$4.39	100%		\$4.35	\$4.39	99%		\$4.39	\$4.39	100%		\$4.43	\$4.39	102%		\$4.43	\$4.39	103%	
	Average cost per unit/Name Check																								

* Estimated number of arrests based on a sample of reply forms received

Federal Bureau of Investigation
Salaries and Expenses
Justification of Program and Performance
(Dollars in thousands)

	Perm. Pos.	ETE	Amount
Technical Field Support and Services			
1997 Appropriation Anticipated	321	275	\$130,236
1998 Base Anticipated	321	309	124,733
1998 Estimate	321	309	\$124,733
Increase/Decrease	...	...	...

BASE LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: The Technical Field Support and Services (TFS&S) decision unit supports FBI investigations and operations through the acquisition, development, installation, and maintenance of technical and related investigative support equipment and services, including the FBI's nationwide Digital Voice Privacy (DVP) radio system, other specialized radio communications, physical and electronic surveillance, advanced telephony, tactical operations, forensic examinations of audio and video recordings and devices, crisis response, automotive fleet, and general equipment and furniture. The FBI uses a variety of technical equipment to aid agents and support personnel conducting criminal, counterterrorism, and national security investigations. For example, agents increasingly rely upon the availability and use of closed circuit television (CCTV) systems for conducting surveillance; recording devices and transmitters for monitoring conversations between cooperating witnesses and targets; and hand-held, mobile, and base radios for tactical communications during raids, arrests at multiple locations, and surveillance. The FBI also provides technical equipment and assistance to multi-agency task forces. Technical equipment often serves as part of a critical safety net to agents who must operate under life-endangering or high-risk situations. FBI field offices are equipped with computer workstations, local area networks, and telecommunications equipment that facilitate both inter- and intra-office communications and information sharing. The value of technical equipment and systems is directly dependent upon its availability and operability.

Increasingly, field electronics technicians (ETs) are directly involved in the planning and execution of operations due to the complexity of some technical systems being deployed and the need to ensure that those systems function properly. Installation, operation, and maintenance of FBI technical equipment are currently provided by field ETs. However, the workload of the field ETs is increasing as a result of the acquisition of additional computer workstations, other technical equipment, and the requirement to perform scheduled maintenance of equipment and systems. Finally, the FBI provides and maintains vehicle resources in support of investigative requirements.

The TFS&S decision unit utilizes base funding to provide technical investigative support to the FBI field offices and maintains centralized management of all field equipment to maximize its use and to expedite the completion of complex investigative matters. Virtually without exception, investigative programs are dependent upon technical support, engineering, distribution, and the installation of technical equipment for the successful accomplishment of the FBI's investigative mission, as well as the development of an

adequate and trained staff to install, maintain, and assist in the operation of that equipment. Much of the equipment in the FBI's inventory is antiquated and obsolete. Current base funding is sufficient to replace small portions of outdated equipment and to purchase small amounts of new technologies.

The Radio Engineering Unit (REU) supports the FBI's Strategic Plan by planning and implementing land mobile radio communications systems and by providing general and site specific systems in support of criminal law enforcement and foreign counterintelligence. The REU provides field investigative personnel with a user friendly, reliable, flexible radio system capable of handling all tactical communications requirements. The FBI encrypted land mobile radio system (ELMRS) or DVP system is one of the largest non-military privacy radio systems in the world, comprised of more than 10,000 mobile radios, 13,000 hand-held radios and an extensive backbone network in each of the FBI's 56 divisions, resulting in geographic coverage of about 80 percent of the land mass of the United States.

The ELMRS is undergoing continuing modification and enhancement to meet the changing requirements of FBI investigations. Additional coverage to extend communications into rural areas, enhanced coverage in metropolitan areas to provide hand-held communications, additional radios for task forces, and radios for FBI to local police communications are key drivers for this upgrade. By 1998, many of the FBI's radio systems will have been operational in excess of 10 years, requiring more frequent and costly maintenance. Certain items of equipment, such as the Syntor-X mobile radios, some of which were first installed in 1984, are no longer manufactured and require replacement.

In the coming years, the FBI will place a high priority on the maintenance, support and enhancement of these existing systems to carry them into the next century, at which time the next generation radios based on narrowband digital technology will have been identified. Mobile radios, an essential component of the ELMRS infrastructure, and portable radios are vital to the day-to-day operations of investigative personnel and provide the only means of communication with the field office and/or other law enforcement agencies in normal or life-threatening situations. In addition, the REU supports all FBI radio antenna sites and all data circuits associated with the FBI's ELMRS.

It will be five to ten years before the FBI will be prepared to install a new generation radio system employing narrow band digital technology and offering the features of interoperability with other Federal, State and local law enforcement agencies that are yet to be defined by the Public Safety Wireless Advisory Committee (PSWAC) and the Federal Law Enforcement Wireless Users Group (FLEWUG). Until such time as this next generation system can be analyzed, defined, and engineered, the only option left to the FBI is to maintain the existing system, making selective improvements and technology insertions when there are warranted operational requirements.

The Surveillance Support Unit (SSU) develops, procures, and deploys technology systems to the field which allow for wide area tracking, surveillance, and location of subjects, vehicles, and packages used in the furtherance of criminal activity and operates the Rapid Prototyping Facility. The SSU is responsible for the following major programs. The Rapid Prototyping Facility provides in-house, quick reaction customized solutions for field investigations, by providing a distributed design environment, both mechanical and electrical. The Radio Surveillance Aids Program provides covert physical surveillance generally requiring custom adaptations of emerging technologies, as well as experience with investigative deployments. The Special Cellular Application Team provides on-site assistance to field offices in cases involving cellular telephones. The Fabrication Group provides an in-house quick response capability for the design, development, fabrication, assembly and test of specialized, unique, custom, and one-of-a-kind devices to support covert intelligence collection and technology. The Specialized Technical Surveillance Vehicles Program is responsible for the conversion of vehicles into forward surveillance platforms and other mobile concealments which directly support field investigations in conducting audio, video, and other electronic surveillance. The Antenna Test Facility

maintains a modern state-of-the-art antenna design, test, and fabrication facility.

The Special Operations Unit conducts research and development and provides FBI field offices with technology which includes miniature transmitters, CCTV, electro-optics, and concealments required to conduct investigations. Funding allows the redirection of personnel resources used for physical surveillance as well as associated costs of listening posts and lookouts.

The Signal Analysis and Processing Unit performs complex analyses and provides testimonial support on the interception of communications/electronic devices used to perpetrate crimes such as bomb detonators, modified cellular telephones, audio transmitters, and electronic organizers. This Unit is also responsible for the Special Search Techniques Program, which assisted in the Polly Klass murder investigation, and the Technical Security Countermeasures Program which inspects FBI space in the United States and overseas. The Interception of Communications/Electronic Devices (IOC/ED) Program was initially formed to address the need for a national center to examine all types of electronic devices used to perpetrate crimes. These devices include items such as bomb detonators, modified cellular telephones and audio transmitters. The IOC/ED program conducted over 1,100 forensic examinations in the past fifteen years. In the last five years, a new device has been submitted to the IOC/ED program with alarming regularity. This device is the electronic organizer, a password protected, personal memory device. These devices are rapidly taking the place of the Rolodex type card file that is common on all office desks. These electronic organizers are currently capable of storing up to two megabytes of digital data. The criminal element uses these electronic organizers to store information such as names and addresses of known associates, drug-related information, and information related to terrorist attacks. Electronic organizers range in cost from \$10 to \$1,000, and their complexity varies as much as their cost. There are currently over two hundred different models being manufactured by a dozen different companies. In addition, this Unit performs complex analyses and provides testimonial support on forensic audio/video evidence in support of field investigations.

The Signal Analysis and Processing Unit is also responsible for the solution of encryption problems. Commercial cryptography has been introduced which provides protection to conventional and cellular telephone, facsimile, data, and radio communications systems. Today, approximately 500 different encryption schemes are offered on the market to the public, commercial, and government customers. Therefore, in order to maintain court-ordered electronic surveillance capabilities, law enforcement must continue an aggressive development effort to keep pace with rapidly changing products and services of the telecommunications industry. The FBI and law enforcement have seen a marked increase in the demand and use of encryption over the past four years. The advances in, and proliferation of, digital technologies have vastly complicated law enforcement's task of processing lawfully intercepted communications and electronically stored information. Encryption, once solely the purview of military and the government, is now readily available and accessible commercially to the general public. Today the encryption market offers products to protect voice communications, digital data communications, disk files, electronic mail, video, and facsimile. A 1996 survey of law enforcement agencies conducted by the National Institute of Justice revealed that 28.4 percent of the survey's respondents have encountered encryption, voice scrambling, or other surveillance countermeasures during criminal investigations. Criminal elements are employing encryption and other digital technologies, and that usage is likely to increase.

The Technical Programs Unit provides specialized training to ETs and Technically Trained Agents (TTAs) in crucial radio communications disciplines and advanced telephony issues. Failing to address these rapid technological changes through an aggressive and dynamic training program will result in criminal and national security investigations that fail to meet the high success standards of the FBI. Funding in this program supports specialized TTA training in the areas of Integrated Services Digital Network (ISDN), digital

telephony, digital switching, advanced intelligence networks, fiber optics, digital theory and other advanced issues. The FBI has an urgent need to respond to the technological advances to guarantee the FBI's continued ability to perform court-approved electronic surveillance, an integral part of almost every successful investigation. The existing electronic surveillance techniques and related technological capabilities are rendered useless against new digital telecommunications and security systems.

The Crisis Response Program provides on-scene support, training and furnishes technical expertise to the field in support of special events, major cases, such as the Oklahoma City bombing, and interagency tactical exercises. The request for services from the Crisis Response Program went from two or three operations annually to 47 deployments in 1996, which has severely strained the program's resources. In 1996, the Crisis Response Team deployed on major cases worldwide to include the hostage taking of Americans in Peru and the bombing in Dhahran, Saudi Arabia and performed eight renditions in support of extraterritorial offices. These responses caused a large increase in the purchase of new communications equipment to support these types of operations.

The Tactical Operations Unit conducts research and development and provides access control equipment to all FBI locations. Funding is utilized for research and development and will aid in addressing current workloads compounded by rapid changes in lock and alarm technology.

The Advanced Telephony Program (ATP) focuses on the emergence of digital technology and new telecommunications services that are flooding our society and their impact on law enforcement. In order to maintain court-ordered electronic surveillance capabilities, law enforcement must continue an aggressive development effort to keep pace with the rapidly changing products and services of the telecommunications industry. Until recently, the telecommunications industry had remained virtually unchanged for approximately 30 years. For the most part, the services offered were wireline analog voice; however, the 1980s witnessed the emergence of cordless and cellular telephones, the proliferation of facsimile machines, and the promise of high speed transmission of video, voice, and data. The factors driving these changes are twofold. First, the presence of computers and related digital technology has caused a transition to the information age and a need for timely and voluminous exchanges of information. A second factor in the emergence of new telecommunications services is the increased need for mobility as evidenced by the usage of cordless and cellular phones and paging devices.

In 1998, it is estimated that approximately 65 million cordless phones, 30 million cellular phones, 30 million paging devices, and 8 million personal communications services phones will be in use in the United States. These new services and the need for mobility are the driving forces responsible for the 1990s emergence of advanced telecommunications technologies, such as the ISDN, advanced cellular and personal communications networks, and enhanced services and features as a result of intelligent networks. The impact that this technology is having, and will continue to have, on law enforcement cannot be overstated. This technology is expanding; the industry is fiercely competitive with new products and services introduced continuously. These products represent fundamental changes in the way people and businesses communicate, and they pose unprecedented challenges to the electronic surveillance capabilities of the FBI and the entire law enforcement community. Because electronic surveillance is utilized by all levels of law enforcement to combat illegal drugs, violent crime, espionage, white-collar crime, and organized crime, the loss of these techniques would have a devastating impact on the fight against crime.

Recognizing the potential impact of emerging telecommunications technology on law enforcement and public safety, the Communications Assistance for Law Enforcement Act (CALEA) (Public Law 103-414; 47 U.S.C. 1001-1010) was enacted to preserve law enforcement's ability, pursuant to a court order or lawful authorization, to access

communications content and associated call-identifying information in an ever-changing telecommunications environment. The Attorney General delegated management and administration responsibilities of CALEA to the FBI. The CALEA initiative and the FBI's implementation efforts are on behalf of all Federal, State and local law enforcement agencies. The Telecommunications Industry Liaison Unit, which consists of engineers and industry experts, implements and oversees CALEA responsibilities.

The Network Access Development Unit is charged with ensuring the ability of the FBI to collect evidence and intelligence through the development, deployment, and support of intercept capabilities on communications networks. This includes the development of public and private communications network intercept capabilities which are independent of carriers access solutions developed under CALEA, private communications network capabilities developed through cooperation with Internet access providers and information service providers, and deployment and support of unique, application-specific public and private communications network intercept systems.

Individuals are becoming increasingly sophisticated in the use of state-of-the-art technology to implement and conceal their illegal activities. Not only are high technology systems used for voice communications, but increasingly, more information is recorded, stored, copied and/or transmitted by electronic means. The Sensor Development and Deployment Unit is responsible for providing the technology to support covert audio and plain text machine intelligence collections from all criminal, counterterrorism, and counterintelligence targets. The Collection and Information Management Unit provides the advanced telephony equipment and systems required to insure that the FBI is able to maintain electronic surveillance capabilities.

Finally, the FBI's vehicle fleet continues to age and compile mileage at an alarming rate. The number of vehicles which exceed the FBI's internal mileage ceiling of 80,000, the maximum mileage for operating safe and reliable vehicles for law enforcement purposes, must be reduced. In 1998, the FBI will have 1,252 vehicles with mileage exceeding 80,000. Increased vehicle downtime forces the FBI to use costly rental vehicles which lack the proper law enforcement equipment, such as DVP radios, for some mission requirements. Base level funding of \$28,225,000 would enable the FBI to purchase 1,598 vehicles, of which 1,393 are replacement vehicles. The total motor vehicle base funding will allow the FBI to reduce the number of vehicles exceeding 80,000 miles from 1,252 to 533. This level of funding greatly enhances the ability of the FBI to replace older high mileage vehicles. Recurring these funds through 1999 would enable the FBI to eliminate all vehicles with mileage of 80,000 or greater. With this level of funding, the FBI's replacement cycle decreases from eight to five years. Automobile base level funding reflects a transfer of \$6,715,000 from the Salaries and Expenses appropriation to the Violent Crime Reduction Program.

LONG-RANGE GOALS: To provide engineering services, technical support, and equipment to FBI field offices and conduct necessary research and development to adapt technology for deployment against criminal and terrorist activities.

To provide safe and reliable vehicles to support FBI investigative requirements.

MAJOR OBJECTIVES:

To provide radio communications and technical equipment in support of field investigations.

To provide new technologies and address critical shortfalls in technical investigative capabilities including digital telephony, tactical operations, surveillance, special search techniques and training of personnel.

To extend the lifecycle of already deployed equipment which cannot be replaced, by providing preventative and corrective maintenance.

To conduct research and development in support of new technologies in an effort to produce state-of-the-art investigative techniques.

To provide continuing technical support to the most essential criminal investigations.

To provide safe and reliable automobile transportation with less vehicle downtime and cost for repairs and maintenance costs, thereby increasing investigative ability.

To reduce the number of vehicles with mileage exceeding 80,000 miles.

PROGRAM INCREASES: No program increases are requested for 1998 under the Salaries and Expenses appropriation; however, two positions, one F.T.E. and \$6,000,000 are requested under the Violent Crime Reduction Program to support the Mandated Replacement of Microwave Equipment and a direct appropriation of \$40,000,000 is requested for the Telecommunications Carrier Compliance Fund.

Type of Measure	Performance Indicators	1994 Actual	1996 Actual	1997 Actual	1997 Target	1997 Estimate	1998 Target
DEMAND/ WORK-LOAD							
	Investigative Radio Equipment Required						
	- Mobile Radios	1,200	1,200	1,487	1,600	1,600	1,700
	- Portable Radios	1,500	1,500	1,500	2,000	2,000	2,000
	- Test Equipment	~ 730	730	850	400	400	400
	- Police Radios	1,527	2,562	2,000	2,500	2,500	2,500
	- Special Case Radios	566	229	994	200	250	250
	- High Frequency Radios	1	15	26	22	26	28
	- Number of offices which require system maintenance and enhancements	56	56	56	56	56	56
	Physical Surveillance Equipment Required						
	- Remote Surveillance Systems	N/A	100	90	245	225	350
	- Video Scrambler/Encryption Devices	N/A	N/A	200	200	150	350
	- Closed Circuit Video (CCTV)	64,000	65,000	66,500	67,000	66,000	66,000
	- Night Vision Surveillance	400	600	780	950	820	1,000
	- Advanced Imagery Systems	10	95	100	375	200	500
	Electronic Surveillance (ELSUR) Equipment Required						
	- Number of ELSUR equipment required	575	630	600	680	680	680
	- Number of annual requests for recording equipment inventory	300	300	300	300	300	300
	- Number of outdated and obsolete recorders on inventory	1,600	15,756	14,399	13,455	13,455	12,680
	Automobiles						
	- Number of vehicles eligible for replacement (3 yrs or 60,000 miles)	3,689	3,925	5,064	4,795	4,795	3,620

Type of Measure	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Estimate	1998 Target
INPUTS	1.1 Radio System Resources						
	A. Personnel	31	31	31	31	31	33
	B. Nonpersonnel	\$18,900,000	\$18,900,000	\$18,900,000	\$18,900,000	\$18,900,000	\$24,675,000
	2.1 Physical Surveillance Resources						
	A. Personnel	25	25	29	29	29	29
	B. Nonpersonnel	\$10,700,000	\$10,700,000	\$10,700,000	\$13,700,000	\$13,700,000	\$13,700,000
	4.1 Advanced Telephony R&D						
	Nonpersonnel Resources	\$12,250,000	\$35,600,000	\$18,520,000	\$23,000,000	\$23,000,000	\$23,000,000
	8.1 Automobiles						
	Funds allocated for purchase of new vehicles	\$16,717,723	\$36,613,235	\$33,482,509	\$46,266,646	\$46,266,646	\$43,604,000
OUTPUTS	1.1 Investigative Radio Eqpt Deployed						
	A. Mobile Radios	111	114	224	95	95	95
	B. Portable Radios	137	139	130	130	130	166
	C. Test Equipment	730	151	238	150	130	200
	D. Police Radios	65	65	70	150	150	300
	E. Special Case Radios	120	120	568	90	90	90
	F. High Frequency Radios	1	15	0	22	22	25
	2.1 Physical Surveillance Eqpt Deployed						
	A. Remote Surveillance Systems	N/A	60	50	50	50	50
	B. Video Scrambler/Encryption Devices	N/A	N/A	95	30	30	30
	C. CCTV components	35,200	32,500	32,000	26,800	48,000	48,000
	D. Night Vision Surveillance	150	150	218	228	172	228
	E. Advanced Imagery Systems	5	70	70	70	70	70

Type of Measure	Performance Indicators	1994	1995	1996	1997	1997	1998
		Actual	Actual	Actual	Target	Estimate	Target
OUTPUTS	2.2 Electronic Surveillance Eqpt Deployed						
	A Annual request for recorders fulfilled	188	187	188	180	190	181
	B Number of outdated and obsolete recorders which have been replaced	300	300	300	300	300	300
		400	1,500	800	800	800	800
	3.1 Field Electronics Technicians						
	A Available	334	334	378	412	412	412
	B Required	525	525	525	525	525	539
	4.1 Network Intercept Systems (Technical Engineering)						
	A Projects Developed	47	59	52	60	60	65
	B Capabilities Provided	47	59	52	60	60	65
	4.2 Long Term Development						
	A Projects Developed	10	15	19	22	22	28
	B Capabilities Provided	29	45	53	71	71	89
	5.1 IOC/ED Forensic exams						
	A Percentage of IOC/ED requests examined	100%	100%	100%	100%	100%	92%
	B Number of audio/video requests	82	98	100	110	110	110
	5.2 Audio Video exams						
	A Percentage of audio/video requests completed	98%	98%	81%	85%	91%	85%
	B Number of audio/video exams completed	1,379	1,456	1,352	1,559	1,352	1,505
	6.1 Automobiles						
	A Number of vehicles purchased	1,027	2,165	1,675	2,155	2,155	2,475
	B Number of seized vehicles placed in service	329	161	175	200	200	200

Type of Measure	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Estimate	1998 Target
OUTCOMES	1.1 Radio requests fulfilled						
	A Mobile Radios	9%	10%	15%	6%	6%	5%
	B Portable Radios	9%	9%	91%	7%	7%	8%
	C Test Equipment	100%	21%	37%	38%	33%	50%
	D Police Radios	4%	3%	4%	6%	6%	12%
	E Special Case Radios	20%	52%	57%	45%	26%	36%
	F High Frequency Radios	100%	100%	0%	100%	85%	89%
	2.1 Physical Surveillance Requirements Fulfilled						
	A Remote Surveillance Systems	N/A	60%	56%	20%	22%	14%
	B Scrambler/Encryption Devices	N/A	N/A	48%	15%	20%	9%
	C CCTV components	55%	50%	48%	40%	73%	71%
	D Night Vision Surveillance	38%	25%	28%	24%	19%	23%
	E Advanced Imagery Systems	50%	74%	70%	19%	35%	14%
	6.1 Automobiles						
	A Number of vehicles replaced	870	1,931	1,150	1,583	1,583	2,270
	B Number of vehicles remaining with mileage exceeding 80,000	1,378	1,421	1,840	1,900	1,900	1,252
	C Maintenance costs per mile	0.044	0.047	0.048	0.045	0.045	0.043

A. DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS AND OTHER TERMS THAT MAY NEED CLARIFICATION

1.1 The Radio Program is considered to be an essential resource in law enforcement activities. The purchase of radio equipment is essential in maintaining the ELMRS infrastructure. These radios provide agents and investigative support personnel with essential secure radio communications, ensuring their safety and investigative success. Radios and systems maintenance support day to day FBI investigations and operations of a field office. In addition, they provide essential communications for task forces and also provide critical communications between Federal, State, and local law enforcement. The FBI radio system constantly requires upgrades to be efficient and effective so that agents and support can rely upon it.

2.1 The FBI provides technical equipment to the field for daily use and special cases and is critical to obtain case evidence. This equipment consists of Physical Surveillance equipment, which is comprised of Remote Surveillance Systems, CCTV equipment, Microphones, Day and Night vision equipment and concealments, also Electronic Surveillance equipment which consists of Dialed Number Recorders, Pen Registers, Intercept Devices, and Recorders.

3.1 Field EITs support the FBI radio systems by performing necessary installation, maintenance, and repair down to the component level for all associated communications equipment, including portable, mobile, fixed, and remote. The FBI FM radio system requires continuous enhancement and upgrading in order to maintain optimum performance. These actions serve to enhance the system's overall area of coverage, thereby providing maximum communications capability to field office personnel. These systems link the entire FBI through a complex and secure network which uses cryptographic equipment and fiber optic cables which pass through strategically located field offices and regional computer centers.

4.1 A. Refers to the number of projects/field requests being developed to deploy and support unique, application specific public and private communications network and private communications networks intercept systems.

4.1 B. Refers to the number of capabilities provided to the field with engineering/technical support in response to requests for assistance in support of unique, application specific public and private communications networks intercept systems.

4.2 A. Refers to the number of capabilities provided to the field and Network Access and Development Program to intercept communications which utilize commercial information services such as America Online and CompuServe, etc.

5.1 and 5.2 The number of requests for Audio/Video and IXC/ITD exams are indicators which demonstrate the workload for these programs.

B. FACTORS AFFECTING 1996 PERFORMANCE

Over the past eight years, the field investigative accounts have suffered severe reductions in funding due to a variety of reasons. As a direct result, less equipment is procured and

deployed to the field for investigative operations. In addition, equipment that is currently in the field is becoming antiquated and in need of replacement.

C. FACTORS AFFECTING SELECTION OF FY 1997 AND FY 1998 TARGETS

The factors are not expected to change with the approval of program changes.

**Federal Bureau of Investigation
Salaries and Expenses
Justification of Program and Performance
(Dollars in thousands)**

Criminal Justice Services	Pos.	FTE	Amount
1997 Appropriation Anticipated	1,734	1,626	\$188,248
1998 Base Anticipated	1,734	1,626	191,365
1998 Estimate	1,734	1,626	191,365
Increase/Decrease	...	...	...

BASE-LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: Criminal activity is not limited to specific geographic locations in the United States. Criminals are capable of committing crimes in one State or local jurisdiction and within hours relocating to, or committing crimes in, another jurisdiction. Over the past several years, the demand for timely and reliable information for criminal investigations has dramatically increased, fueled by the alarming number of incidents occurring in this country every year. For example:

- A report by the National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMA) estimated 3,200 to 4,600 non-family child abductions occur annually. Of these, an estimated 200 to 300 are "stereotypical" kidnappings in which the child was gone overnight, killed, transported a distance of 50 miles or more, ransom, or there was evidence the perpetrator intended to keep the child permanently.
- Every 15 seconds, a woman in this country is battered. Almost two million women are severely assaulted every year. One-third of female homicide victims are killed by a husband or partner.
- One in every 25 elderly persons is victimized. According to the National Aging Resource Center of Elder Abuse, almost one-third of this maltreatment is committed by adult children of the elderly.

In each of these areas, speed and reliability of information services are often critical factors in an effective investigative response that safely returns the kidnapped victim, reduces the homicides associated with battered women, and allows more of the elderly to live out their lives in dignity. Unfortunately, such is not the case today. During 1995, for example, an estimated 64,700 fugitives were identified; however, approximately 39,000, or 60 percent, of these individuals were released prior to the arresting agencies becoming aware of their fugitive status. The magnitude of these unfortunate occurrences are attributed to the length of time it takes to process the fingerprint cards under the current system at the local, State, and Federal levels.

To address this documented need for more efficient and effective identification and information services, most States have acquired their own systems for fingerprint identification and criminal history record information. For example, in the area of fingerprint identification, many States have begun purchasing their own automated fingerprint identification systems using different vendors, each containing unique communications systems and networks. These State systems are often incompatible with each other and with the FBI's system; therefore, they can only provide a service to a specific jurisdiction. Until these automated systems have the ability to communicate with each other and the FBI, crime fighting will remain of limited jurisdictional value instead of global.

Recent Federal and State legislation heightened the importance of criminal history record information in such areas as firearms sales (Brady Handgun Violence Prevention Act) and employment qualifications (National Child Protection Act). By 1998, the FBI anticipates new Federal and State legislative mandates will result in additional requirements for access to the FBI's national criminal history record repository.

To address these problems, the law enforcement community requires a single, national organization to assume responsibility for maintaining identification services in a system which supports rapid identification of individuals. This demand from the national law enforcement community led to the enactment of legislation to establish a central repository for criminal data. The Attorney General, charged with establishing this repository, delegated the responsibility to the FBI. This repository allows for either the timely retention or release of detainees and relieves an already overburdened judicial system.

The FBI's Criminal Justice Information Services (CJIS) Division serves as the nation's centralized repository and clearinghouse for fingerprint records. In that capacity, CJIS furnishes identification and criminal history record services to over 75,000 users which are authorized by Federal statutes, regulations, and Executive Orders to utilize these services. The CJIS Division's fingerprint files serve as a locator or index of criminal arrest activity throughout the United States, thus avoiding time-consuming and costly checks of all 50 States' records to ascertain an individual's complete criminal history. The CJIS Division provides services which include arrest and applicant fingerprint card identification and record keeping; posting of wanted and parole/probation notices; training in fingerprint science; maintaining fingerprint records of persons currently reported missing; identifying amnesia and unknown deceased persons; and information-based support to the latent fingerprint community. Through the years, the FBI has expanded its identification and information systems and programs to include a fingerprint identification program, the development and maintenance of a National Crime Information Center (NCIC), and the collection of law enforcement statistics, and the annual dissemination of Uniform Crime Reports (UCR). However, these systems are semi-automated, highly labor-intensive, lacking in complete data, or require a great deal of time to assimilate or provide the requested services.

The CJIS Division maintains a repository containing approximately 87,000,000 civil fingerprint cards, representing more than 39,000,000 individuals, including military personnel, applicants for federal employment, and other non-criminal justice purposes. Also, this repository retains over 130,000,000 fingerprint cards with related criminal history records information on more than 35,000,000 individuals represented in the criminal file. Currently, the FBI processes fingerprint cards through its Identification Automated System (IDAS), which is a semi-automated system requiring a high degree of manual intervention. IDAS, operational since June 1989, was designed to support average daily receipts and throughput of 31,000 fingerprint cards, with infrequent "spikes" in receipts of up to 37,500 submissions. However, the FBI now averages over 57,000 fingerprints card submissions daily. The criminal file continues to grow, with approximately 5,000 new individuals added per day. Besides criminal submissions from law enforcement agencies, requests are received through law enforcement and other authorized entities for such purposes as handgun purchases, banking institution employees, child care providers and numerous others. During 1996, the FBI received approximately 11,243,500 fingerprint cards. Of this number, more than 5,535,000 criminal fingerprint cards were received, of which approximately 3,140,000 identifications were matched with existing records. Over 5,708,000 civil fingerprint cards were received in 1996. Of these civil submissions, approximately 448,000 individuals were identified as having criminal records. It is noteworthy that of approximately 320,000 individuals checked for law enforcement employment, 26,938 were found to have existing criminal history records.

As of January 1997, the FBI had a backlog of 2,900,000 fingerprint cards either in process or waiting processing. The CJIS Division is currently operating with a system designed for a staffing level of 3,045; however, it has never achieved this staffing level. Currently, the CJIS Division has approximately 1,700 personnel assigned to address the greatly increased volume of identification work within the FBI. In addition to the increased workload, the FBI is in the process of transitioning its CJIS Division operations from FBI Headquarters (FBIHQ) in Washington, D.C., to Clarksburg, West Virginia (WV). With this relocation comes the loss of experienced personnel who do not wish to resettle in another area. Additional contributing factors, such as hiring and training new fingerprint card examiners, as well as the learning curve of new personnel, continue to negatively influence the backlog. As of January 1997, it takes approximately 140 calendar days to process a criminal card and approximately 43 calendar days to process a civil card, once the FBI receives each card. In the meantime, the fingerprint backlog is growing, even though the Division's fingerprint and related document processing personnel worked an average of 45,000 hours of overtime a month for all of 1996. This overtime utilization equates to more than 20 hours a month per fingerprint examiner.

These workload figures represent a backlog increase of 1,300,000 fingerprint cards and an increase in processing times of 78 days for criminal and 29 days for civil prints since July 1996. In addition to the current staffing level, throughout the six-year transition and relocation period, the requirement to transport fingerprint cards back and forth between FBIHQ and the CJIS Division Complex in Clarksburg, WV, has caused additional delay in processing times. This transition period has contributed to the growth of the huge backlog of work awaiting processing.

The FBI is the established leader in the area of identification services. The FBI's leadership provides States with the direction necessary to develop their automated fingerprint identification systems using nationally accepted and FBI certified standards. This uniformity will allow States access to information across jurisdictions, as well as internationally. As a result of the FBI's direction, advancements in automated fingerprint identification technology hold the promise of more timely services and expanded functionalities in the future. In order to ensure uniformity of fingerprint standards and improve upon existing technology, the FBI has embarked upon a series of automation initiatives to continue to

serve the law enforcement community into the 21st century.

In 1990, the FBI initiated a Revitalization and Relocation (R&R) Project to improve its fingerprint identification and related services to the Nation's criminal justice community in response to the demand for these services. As a result of this initiative, the Congress appropriated \$185 million in the Dire Emergency Supplemental Appropriations Act of 1990 for the construction of a new fingerprint identification facility. The CJIS Division Complex was built in Clarksburg, WV, and opened in July 1995. The FBI is currently transitioning CJIS Division functions from FBIHQ to the new site and will complete this relocation and transition initiative in 1998.

Simultaneously, the FBI is developing the Integrated Automated Fingerprint Identification System (IAFIS). At Final Operational Capability (FOC), IAFIS will completely replace the CJIS Division's existing fingerprint identification system (IDAS) and improve processing capacities and turnaround time. IAFIS is designed to process an average volume of 60,000 fingerprint records per day within two to 24 hours.

IAFIS is a large, technologically complex information system originally planned, budgeted and managed as a number of discrete segment development efforts. The FBI's had estimated the cost to modernize fingerprint identification services and operations at \$520,500,000. This estimate was based upon a Life Cycle Cost Estimate formulated in 1993 and included \$467,116,000 for development of IAFIS. The remaining \$53,384,000 was to fund employee relocations to WV, system transitions to the new building and operations and maintenance of the WV facility until 1998. The FBI, Department of Justice, and Congress are pursuing a long-term funding strategy for IAFIS development. To date, Congress has appropriated \$461,000,000 for the automation and related costs. A user fee surcharge on civil fingerprint card submissions has made available an additional \$31,200,000.

A comprehensive Red Team review of the IAFIS program was commissioned in late 1995 to assess the status of the program. This Red Team consisted of outside experts and internal IAFIS program office employees to determine future actions that would minimize program risk and maximize development success. As a result, several problem areas were identified, and corrective actions were immediately implemented. The project schedule was modified, resulting in the shift of system FOC from 1998 to 1999. The original acquisition strategy was modified, altering the IAFIS development segment FOC strategy to an Incremental Development/Deployment strategy. The major advantages to the new strategy are that it materially reduces the technological risk associated with the system's integration, it provides the opportunity to deliver improved operational functionality to the user community earlier than under the Initial Operating Capability (IOC)/FOC approach, and it brings costs under control by developing, integrating, and testing in smaller increments so each build is completed prior to the next. These efforts will insure the user community's requirements are fully integrated into the system design and will facilitate earlier delivery of the IAFIS in modular form. Additionally, the FBI has established a contract with Lockheed Martin Corporation for the complex task of system integration, rather than continuing to rely on an inadequately staffed and overutilized internal IAFIS program office for these responsibilities. The FBI commissioned a second Red Team review in the early fall of 1996 to assess the progress of the IAFIS project and modifications implemented since the 1995 Red Team review. The second Red Team found that the IAFIS Program remains viable; however some additional changes should be made to the project's organizational structure and greater emphasis should be placed upon establishing a well-defined process for interacting with the systems integrator contractor. The FBI has formulated an action plan to implement the recommended changes.

Current projections for IAFIS development, using the Incremental Development/Deployment strategy, would deliver a fully operational IAFIS in 1999. The slippage in program development was driven by increased requirements from the user community and the enactment of Federal statutes, as well as the integration of all IAFIS development efforts. The FBI solicited engineering change order proposals from each of the major IAFIS development vendors to reflect any cost and schedule changes resulting from the new incremental development strategy. The FBI reviewed and verified these proposals and negotiated a change modification to each existing contract with each of the IAFIS segment vendors. Additionally, the FBI has awarded a contract to Lockheed Martin Corporation for external integration services. As a result, the FBI has updated the original cost estimate to reflect these additional costs. The updated cost estimate for IAFIS is currently approximately \$640 million, which includes \$567,100,000 for developmental activities, \$44,400,000 for system integration, and \$28,500,000 for non-development costs. The non-development funding includes \$13,100,000 for employee relocations to WV, \$6,900,000 for the transition of existing hardware and systems, and \$8,500,000 for operations and maintenance of the new facility in WV. As a result of these continued funding requirements, the FBI will recur base-level funding of \$84,400,000 in 1998 to continue the IAFIS development effort. A 1999 advance appropriation of \$47,800,000 will complete funding for the project.

In 1967, the FBI established the National Crime Information Center (NCIC) as a nationwide database containing data and information files, such as wanted and missing persons, foreign fugitives, unidentified persons, and stolen property, among other files. Today, the NCIC system is a nationwide criminal justice information system linking the criminal justice information systems of six Federal agencies, 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and Canada through a mainframe computer database located at FBI Headquarters. The NCIC system contains over 32 million records stored in 14 information databases. It provides the law enforcement community with immediate access to documented information vital to effective criminal justice operations. NCIC operates under a shared management concept and provides virtually uninterrupted operations, 24 hours a day, seven days a week. The NCIC databases now contain documented information regarding wanted/missing persons, known gang/terrorist associates, stolen vehicles, boats, guns, license plates, securities, and other data. The system is accessed by law enforcement agencies and officers resulting in over 600,000,000 annual transactions.

The NCIC system has become outdated and has exceeded its normal life cycle by a factor of three; however, the information stored in its data base remains vital to the criminal justice community. It is imperative to the law enforcement community that the existing NCIC system remain operational until the new generation system, NCIC 2000, reaches IOC, anticipated in July 1999. The NCIC 2000 system will replicate the current NCIC system by providing the capabilities of NCIC for the compilation, dissemination, and exchange of timely and critical criminal justice and law enforcement information. Additionally, the new system will also provide significantly advanced and expanded functionality, such as mug shot and fingerprint identification, to serve the criminal justice community into the twenty-first century.

The FBI awarded a development contract for the NCIC 2000 system to the Harris Corporation in March 1993. Since that time, the FBI and Harris have experienced developmental and staffing difficulties, which have resulted in reorganizations within the program management at both the FBI and Harris. The FBI has reassigned NCIC 2000 developmental responsibility from the CJIS Division to the Information Resources Division (IRD). This reassignment will allow the FBI to more efficiently utilize its developmental and technical expertise in the IRD for this critical project. At this same time, the Harris Corporation has elevated the status of the NCIC 2000 project, reassigned its previous program

manager, and rededicated its organization to the successful completion of NCIC 2000 development.

In conjunction with the new program management and elevated status of the NCIC 2000 project at Harris, the FBI directed the Harris Corporation to submit a final change order proposal (COP) delineating the level of services, schedule and payment necessary to complete project development. In August 1996, the FBI and Harris finalized negotiations on this final COP. The FBI has formulated a final cost and schedule estimate for NCIC 2000 development. An additional funding requirement of \$29.6 million, above the \$58 million made available in 1996, will be required to complete development of NCIC 2000. Funding available in the FBI's two-year account and the Department of Justice's Working Capital Fund, provided \$57 million of the identified requirement of \$58 million in 1996. As a result, \$1 million was added to the new requirement for \$29.6 million and a total of \$10.6 million will be provided from the Working Capital Fund for NCIC 2000 development in 1997. This new cost estimate is based upon milestones that were mutually agreed between the FBI and the Harris Corporation throughout the remaining development process. Additionally, the Congress appropriated \$8,250,000 to the FBI's Violent Crime Reduction Program in 1997 for development of two NCIC 2000 files, the Departed Felon File and the Protective Order File.

The FBI has reimbursed previous developmental activity costs to the Harris Corporation on a Cost Plus Fixed Fee contract arrangement. Beginning in January 1996, the FBI and Harris entered into a Cost Plus Incentive Fee contract arrangement for the remainder of the NCIC 2000 program development effort. Under this contract, the FBI and Harris have agreed to a target schedule, and the FBI has encouraged the contractor to manage the remaining effort in the most economical and efficient manner possible. This arrangement will provide maximum benefit to the FBI in terms of cost and schedule. In return, Harris could potentially earn greater profits for enhancing its performance and reaching project milestones at earlier dates. According to the proposed Harris target schedule, the FBI expects the NCIC 2000 system to reach Final Operational Capability in August 1999.

The FBI provides assistance to law enforcement agencies on such matters as NCIC policy and procedures, the National Fingerprint File Program, and firearms sales programs. Technical assistance is also provided to the States on transition planning, procurement, and software development. The IAFIS, NCIC 2000, Uniform Crime Reporting (UCR)/National Incident Based Reporting System (NIBRS), and other automated programs are being developed and implemented in direct response to the needs of the national criminal justice community, as well as background checks required for licensing and employment purposes in the private sector. These systems will assist the FBI in addressing the ever increasing demands for identification and related services. The FBI Director established the CJIS Advisory Policy Board (APB) to make recommendations to him and ensure user input on policy and user requirements for these systems. UCR/NIBRS crime reporting information, collected and retrieved through local, State, and Federal systems, provides the criminal justice community with consistent crime statistics, which are essential if these entities are to continue to effectively and efficiently serve the public. The CJIS APB has recommended audits of all participants of these systems. The FBI currently travels to each State to provide training and audit the users of NCIC and UCR to ensure the integrity of the data.

The maintenance of these systems and the services provided by the FBI allow expeditious access by law enforcement and criminal justice agencies to vital information, including criminal history data, wanted person information, stolen vehicle data, and uniform crime reporting information. Through these FBI systems, pertinent and necessary information is provided from one jurisdiction to another, thereby ensuring the detection, apprehension, detention, and prosecution of accused persons or criminal offenders. The success of these

efforts depends on a high degree of cooperation among Federal, State and local law enforcement agencies. The use of the CJIS Division's systems and the sharing of data among law enforcement agencies is voluntary. Thus, every effort is made to provide levels of services benefiting its users. This is particularly difficult in the management and operation of national systems because every user has its own unique needs and capabilities to address those needs. Therefore, it is essential the CJIS Division obtain input and guidance from the users on the management and operation of its national criminal justice systems and programs.

The FBI is recognized throughout the law enforcement/criminal justice community for managing criminal justice information for the following reasons:

- 1) Law enforcement agencies have long supported and identified the FBI as the most appropriate and capable agency to provide these services;
- 2) The FBI possesses the infrastructure and expertise to provide needed systems/services and the leadership to ensure they interact with the national as well as international law enforcement/criminal justice community; and
- 3) The FBI is internationally recognized as the leading authority on law enforcement and identification services.

The Criminal Justice Services decision unit's base-level resources will address problems consistent with its strategic assessment as follows:

- 1) Continue to operate and maintain the existing semi-automated systems,
- 2) Continue to process current workload as resources allow;
- 3) Continue to utilize overtime to minimize and reduce the backlog of fingerprint records;
- 4) Continue to relocate CJIS Division's operations and personnel to West Virginia;
- 5) Continue to hire and train required staff to replace large numbers of experienced personnel involuntarily separating from the Division;
- 6) Continue to support the development of automated initiatives; and
- 7) Continue to interact with criminal justice users for improved services and requirements definitions.

LONG-RANGE GOAL. To provide accurate and timely identification and information services for the criminal justice community and authorized components of the private sector.

MAJOR OBJECTIVES:

- I. Maintain current operations

- ◆ Ensure NCIC is fully operational until NCIC 2000 reaches Full Operational Capability (FOC) in August 1999.

- ◆ Maintain credible performance with the existing IDAS until IAFIS reaches FOC in the 4th quarter of 1999.
- ◆ Upgrade and maintain office automation capabilities as resources allow.
- ◆ Complete the transition and relocation of the CJIS Division from FBI Headquarters to Clarksburg, West Virginia by 1998.

2 Automation and transition to new systems

- ◆ Achieve a one-day response time for 95 percent of fingerprint card and related criminal history submissions.
 - ◆ Expand user participation, services, and analytical capabilities.
 - ◆ Train new employees and retrain existing staff, in accordance with the new systems' implementation schedules.
3. Obtain input and guidance from the users on the management and operation of national criminal justice systems and programs.

PROGRAM INCREASES: An additional 300 workyears for fingerprint technicians are required to address the increase in reimbursable fingerprint and name check workload. These reimbursable submissions require a comparison between the submitted fingerprints and name checks and those maintained in the FBI's central repository.

Initiative: Infrastructure

Item: Federal and Non-Federal User Fee Program - 300 Reimbursable FTE (No positions; no budget authority)

As a result of Public Law 101-515 (1990 Appropriations Act), the Congress reduced the FBI's base funding for fingerprint identification card processing by \$30 million and authorized the FBI to charge for certain background checks unrelated to criminal law enforcement (non-criminal justice, non-law enforcement employment and licensing purposes and for certain employees of private sector contractors with classified government contracts). In January 1990, the FBI implemented a new Federal User-Fee Program. The funds generated from the user fees were made available for employees' salaries and other expenses incurred in providing identification services. The Congress had previously granted authority in 1982 for collecting fees for similar State and local purposes (non-Federal User Fee Program). The assessment of fees in connection with the processing of Federal and non-Federal name checks and fingerprint submissions is derived based on a number of factors, including: personnel costs, payroll, travel, rent, communications, utilities, training, maintenance, research, etc.

The demand for fingerprint identification and related services to the Nation's criminal justice community continues to escalate year after year due to the increase in crime and the enactment of new legislation such as the National Child Protection Act of 1993 and the Housing Opportunity Program Extension Act of 1996 (P.L. 104-120), as well as other law enforcement initiatives. As an example, the Housing Opportunity Program Extension Act of 1996 requires the FBI to provide information to public housing agencies regarding criminal conviction records of adult applicants for, or tenants of, public housing for purposes of applicant screening, lease enforcement, and eviction. Through discussions with Housing and Urban Development officials, the FBI has learned there are 3,500 Public Housing Agencies in the United States, with more than 800,000 applicants on the waiting list. There are also over one million people living in public housing covered under this legislation.

In February 1992, the CJIS Division had a backlog of 934,000 fingerprint cards awaiting processing. In an effort to alleviate this growing backlog situation, several innovations (consolidation of units, overtime, combining functions and taking work home for processing) were implemented, resulting in a drastic reduction in the turn-around time for the fingerprint identification program. However, by August 1, 1995, the fingerprint card backlog in the Division had increased again to more than 1,100,000. In the ensuing two month period up to September 30, 1995, CJIS Division employees worked 141,239 overtime hours, and the backlog was reduced to approximately 720,000 fingerprint cards. Through the judicious use of overtime, FBI fingerprint personnel were able to complete more work than was received. However, due to the government furlough, the continued increase in revenue-producing fingerprint submissions, the loss of experienced personnel caused by the relocation, the learning curve of new personnel, and the delay in the development of the Integrated Automated Fingerprint Identification System, the backlog continues to increase. As of January 1997, the backlog had increased to more than 2,900,000 fingerprint cards. CJIS Division personnel continue to work overtime (approximately 45,000 hours per month) to reduce the growing backlog. Even though overtime has been and is being used successfully to reduce the backlog, such use can only be a short-term approach. It is not an effective long-term solution.

By May 1996, the FBI processed 3,317,256 revenue-producing fingerprint cards and name checks, resulting in the CJIS Division earning its authorized allocation of 1,002 reimbursable workyears during the first three quarters of Fiscal Year 1996. A total of 1,224 reimbursable workyears were earned in 1996, exceeding the CJIS Division's authorized allocation by 222 workyears. An average of over 100 reimbursable workyears was earned monthly. The FBI scheduled substantial levels of overtime (equating to an additional 237 workyears) for the CJIS Division employees allocated to the reimbursable User Fee Program to process the additional workload. Through the first two months of 1997, the FBI had earned a total of 366 reimbursable workyears, including overtime workyears. This figure far exceeds the workyears earned at that stage in every previous fiscal year during the same time period and equates to earning a yearly total of 2,196 reimbursable workyears (with overtime). At this rate, the FBI would earn 1,194 more reimbursable workyears, both allocated and overtime, than the authorized allocation of 1,002.

The FBI anticipates that civil fingerprint cards will continue to increase in 1997 and 1998. As such, an additional 300 reimbursable workyears will aid the CJIS Division in meeting the needs of the criminal justice community and authorized components of the private sector. Without these additional workyears, it is expected the backlog of reimbursable submissions would continue to elevate and become unmanageable. As mentioned, much of the additional workload is currently met through the use of overtime for CJIS Division employees. It is anticipated, if continued, that the current use of overtime will eventually become untenable and lead to adverse productivity rates for fingerprint card processing. The FBI projects that the 300 additional employees will be able to process approximately 1,134,000 more fingerprint cards annually than are being processed

today and enable the FBI to decrease its reliance on overtime utilization to process incoming workload. Initially, the additional workyears will enable the FBI to reduce its backlog of fingerprint cards. Eventually, the additional fingerprint examiners will enable the FBI to decrease the turnaround time for civil fingerprint card submissions, resulting in more efficient delivery of identification services to authorized recipients.

The following chart identifies the reimbursable workload, the workyears allocated for this program, the number of reimbursable workyears earned and the reimbursable workload volume produced since 1991. As the chart depicts, the FBI has received increasing numbers of civil fingerprint card submissions since 1994. The projections for 1997 indicate an increase of approximately 39 percent over 1995. The majority of these additional fingerprint card submissions are due to the increasing requirements for employment candidates and identification purposes, such as welfare and public housing recipients, gun permits, child care, etc. As mentioned, to date, the FBI has processed this additional workload through extensive overtime utilization of the existing personnel workforce.

REIMBURSABLE PROGRAM

YEAR	REIMBURSABLE (WORKYEARS) AUTHORIZED	TOTAL EARNED	FEDERAL WORKYEARS EARNED	NON-FEDERAL WORKYEARS EARNED	YEARLY REIMBURSABLE SUBMISSIONS RECEIVED	YEARLY REIMBURSABLE SUBMISSIONS COMPLETED *	BACKLOGGED REIMBURSABLE SUBMISSIONS
1991	1,349	973	561	412	3,644,976	3,094,827	74,500
1992	1,105	922	538	384	3,474,809	3,077,369	62,200
1993	906	927	517	410	3,622,464	3,332,606	72,700
1994	1,002	915	443	472	3,641,961	3,234,204	155,000
1995	1,002	1,137	649	488	4,511,299	3,786,625	135,000
1996	1,002	1,224	718	506	5,661,641	4,875,347	900,000
1997 Actual **	1,002	366	256	110	1,361,703	1,231,122	700,000
Projected ***		1,720	1,200	520	6,065,000	5,693,000	1,500,000

* Many fingerprint cards are returned to the submitting agencies because of illegible submissions or failure to provide necessary data.

** These figures are actual receipts and/or processed cards as of November 30, 1996.

*** These figures are projections for end of FY 1997 statistics.

NAME OF DECISION UNIT Type of Request	Criminal Justice Services Performance Indicators					1998		1999		2000		2001		2002	
	Actual	Target	Actual	Target	Actual	1998	1999	Actual	Target	Actual	Target	Actual	Target	Actual	Target
DEMAND/WORK LOAD															
1.1 Fingerprint cards received	214,311,028	28,117,471	28,117,471	28,117,471	28,117,471	28,117,471	28,117,471	28,117,471	28,117,471	28,117,471	28,117,471	28,117,471	28,117,471	28,117,471	28,117,471
1.2 Name checks received (see line NCIC)	143,001	81,883	81,883	81,883	81,883	81,883	81,883	81,883	81,883	81,883	81,883	81,883	81,883	81,883	81,883
1.3 Correspondence received	465,969	479,888	479,888	479,888	479,888	479,888	479,888	479,888	479,888	479,888	479,888	479,888	479,888	479,888	479,888
1.4 III Criminal history records received	638,111	666,002	666,002	666,002	666,002	666,002	666,002	666,002	666,002	666,002	666,002	666,002	666,002	666,002	666,002
1.5 Disposition records received	7,273,281	7,980,824	7,980,824	7,980,824	7,980,824	7,980,824	7,980,824	7,980,824	7,980,824	7,980,824	7,980,824	7,980,824	7,980,824	7,980,824	7,980,824
1.6 NCIC transactions requests received	2,769,841	5,208,191	5,208,191	5,208,191	5,208,191	5,208,191	5,208,191	5,208,191	5,208,191	5,208,191	5,208,191	5,208,191	5,208,191	5,208,191	5,208,191
1.7 Fingerprint cards received	512,083,111	574,303,094	574,303,094	574,303,094	574,303,094	574,303,094	574,303,094	574,303,094	574,303,094	574,303,094	574,303,094	574,303,094	574,303,094	574,303,094	574,303,094
1.8 Fingerprint cards pending	71,711	71,711	71,711	71,711	71,711	71,711	71,711	71,711	71,711	71,711	71,711	71,711	71,711	71,711	71,711
1.9 Disposition records received	415,000	720,820	720,820	720,820	720,820	720,820	720,820	720,820	720,820	720,820	720,820	720,820	720,820	720,820	720,820
1.10 Travel and training requests received	2,717,000	133,467	133,467	133,467	133,467	133,467	133,467	133,467	133,467	133,467	133,467	133,467	133,467	133,467	133,467
1.11 UCR statistical reports received	20,305,550	26,357,000	26,357,000	26,357,000	26,357,000	26,357,000	26,357,000	26,357,000	26,357,000	26,357,000	26,357,000	26,357,000	26,357,000	26,357,000	26,357,000
1.12 III requires correspondence appeals received	4,109,344	4,040,867	4,040,867	4,040,867	4,040,867	4,040,867	4,040,867	4,040,867	4,040,867	4,040,867	4,040,867	4,040,867	4,040,867	4,040,867	4,040,867
Resources															
A Personnel	1,666	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595
1 Direct funded work years	1,666	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595	1,595
2 Indirect funded work years	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002	1,002
3 Reimbursable earned-projected work years	915	1,137	1,137	1,137	1,137	1,137	1,137	1,137	1,137	1,137	1,137	1,137	1,137	1,137	1,137
B Budget	\$259,813,000	\$110,822,000	\$110,822,000	\$110,822,000	\$110,822,000	\$110,822,000	\$110,822,000	\$110,822,000	\$110,822,000	\$110,822,000	\$110,822,000	\$110,822,000	\$110,822,000	\$110,822,000	\$110,822,000
C National Instant Check System (NICCS)	\$10,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000
OUTPUT															
D NCIC 2000 Project Funding (Additions to New)	\$17.8 million	\$0 (No additions requested)	\$0 (No additions requested)	\$0 (No additions requested)	\$0 (No additions requested)	\$0 (No additions requested)	\$0 (No additions requested)	\$0 (No additions requested)	\$0 (No additions requested)	\$0 (No additions requested)	\$0 (No additions requested)	\$0 (No additions requested)	\$0 (No additions requested)	\$0 (No additions requested)	\$0 (No additions requested)
E NCIC 2000 Project Staff															
The added personnel in FY 97 will come from a reallocation of Information Resources Division personnel and will not require a budget enhancement.															
F Retain consultants to do total system analysis and design to merge complete computing system requirements for HIBS implementation.															
G HIBS Implementation															
1.1 Fingerprint Processed	8,447,463	9,216,272	9,216,272	9,216,272	9,216,272	9,216,272	9,216,272	9,216,272	9,216,272	9,216,272	9,216,272	9,216,272	9,216,272	9,216,272	9,216,272
1.2 Name Checks Processed	97,346	93,724	93,724	93,724	93,724	93,724	93,724	93,724	93,724	93,724	93,724	93,724	93,724	93,724	93,724
Percentage of those Received	28,041,048	28,099,242	28,099,242	28,099,242	28,099,242	28,099,242	28,099,242	28,099,242	28,099,242	28,099,242	28,099,242	28,099,242	28,099,242	28,099,242	28,099,242
Percentage of those Requested	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

NAME OF DECISION UNIT Type of Program	Criminal Justice Services Performance Indicators					1997		1998		1999		2000		2001	
	1994	1995	1996	1997	1998	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
OUTPUT Continued	1) Start supplying Data for System Integration & Performance Testing Start Loading Data for Operational Use														
	2.3 National Incident Based Reporting System (NIBRS) Implementation														
OUTCOME	A) Enhance statistical software, SAS														
	B) Upgrade statistical software to PKCS														
	C) Support development for publication information, data quality checking, and auditing														
	1.1 Relocation of Division to W Va														
	1.2 Wanted Persons arrested & missing persons														
	1.3 Average response time														
	A) Criminal fingerprint cards														
	B) Civil fingerprint cards														
	2.1 NCIC 2000														
	Negotiated three change order proposals to reduce number of workstations and mobile imaging units needed and estimated cost and schedule to complete the project														
	2.2 NCIS Development														
	1) A Build A														
	B Build B														
	C Build C														
	D Build D														
	E Build E														
	F Build F														
	2) Electronic transmissions from states														
	3) Decrease turnaround time with increased reliability and productivity														
	4) Paper less environment														

NAME OF DECISION UNIT Type of Measure	Criminal Justice Services Performance Indicators	1994		1995		1996		1997		1998		1999 Request	
		Actual		Actual		Actual		Target		Level Target		Level Target	
OUTCOME CONTINUED IMPACT	5) Increase inmate efficiency & effectiveness							5% cold/hot electronic review		15% cold/hot electronic review		15% cold/hot electronic review	
	2.1 Provide safer communities												
	A. Keep pedophiles out of child care facilities												
	B. Release firearms in communities & schools												
	C. Release innocent detainees earlier												
PRODUCTIVITY/EFFICIENCY RATIOS	D. Identify criminals while detained												
	E. Fewer repeat criminals free												
	1.1 Productivity as percentage of total output of fingerprint cards processed	97.34%		93.78%		87%		95%		95%		95%	

A. DEFINITIONS OR TERMS OF EXPLANATION FOR INDICATORS

DEMAND/WORK-LOAD

11. The UCR data is to be reported according to a requirement in the FBI's UCR program. There exists a Congressional mandate to report crime investigated by Federal law enforcement and investigative agencies. In addition, the UCR statistical reports are received both electronically and via hard copy on a monthly basis.
2. Limited information (name checks) received on individuals for comparison to that information retained by the FBI for criminal identification purposes.
9. Information or requests received from various contributors, Congress, and the general public, all of whom provide information to update the criminal records, or request access to certain record information retained by the FBI.

DEMAND/WORK-LOAD & OUTPUT

- 4 & 16. Complete criminal history record requests received on individuals for comparison to that information retained by the FBI for criminal identification purposes.
- 5, 17. Information received from various law enforcement entities updating dispositions of criminal actions. This information is entered into FBI records so as to maintain a current and complete criminal history record. During 1995, the State of California began submitting Machine Readable Data Project submissions and the FBI's backlog of California records was eliminated.
- 6, 18. Authorized law enforcement personnel accessing NCIC for criminal information.

OUTPUT

19. Training provided to the law enforcement community on the NCIC system.
20. Travel involves CJIS personnel going to various places to collect criminal data, conduct studies, and provide training and assistance to law enforcement agencies.

Each State receives trained every other year. Due to the loss of experienced employees, 2 experienced instructors, as well as 2 inexperienced instructors, travel to each State. This enables the inexperienced instructors to gain on-site training while training is being provided to the State.

22. The conversion of fingerprint cards and biographical data from hard copy records to microfilm. This effort is made to save storage space. The CJIS Division initiated a major microfilm project to convert inactive criminal history records to microfilm.

23. Conversion of fingerprint cards and biographical data from hard copy to an automated system.

24. Each State is audited every two years. FBI personnel travel to each state to determine if law enforcement agencies are complying with NCIC policies and procedures.

OUTCOME

57. The IAFIS is the development and implementation of the most technologically advanced, large-scale automated criminal justice information services system, based upon image capture, storage and retrieval. IAFIS will provide continuous, accurate and timely fingerprint identification and criminal history services to the law enforcement community. The key concept is the electronic submission of fingerprint images and related information, rapid search, identification, and response while an offender is still in custody.

OUTPUT & OUTCOME

31 & 56. The current NCIC System is being upgraded and called NCIC 2000. This new system will provide on-the-spot fingerprint checks of those persons with active records in the missing and wanted persons files.

OUTPUT

30. Criminal information collected and compiled for trend analyses from State and local law enforcement agencies. UCR statistical information is distributed to 16,000 law enforcement agencies, who had submitted 20,000,000 plus reports, as well as the media and the general public.

27. The large increase between 1994 and 1995, and 1996 and 1997 is attributed to the necessity to provide training and orientation support at the State and local level for

NCIC 2000, helping address improvements for data entry quality, ease of use and system security for Law Enforcement contributors.

B. FACTORS AFFECTING 1996 PERFORMANCE

OUTPUT/OUTCOME

31 & 56. Detailed Explanation of Factors Affecting NCIC 2000 Completion:

Responsibility for NCIC 2000 development was transferred from the CJIS Division to the Information Management, Automation and Telecommunications decision unit of the Information Resource Division. The FBI and the Harris Corporation (development vendor) agreed to a new schedule that represents the revised project baseline. The system development effort was changed from a cost plus fixed fee to a cost plus incentive fee via a letter contract modification. This contract arrangement specifies distinct schedule, quality, and performance milestones for the contractor to meet. The FBI identified a requirement for \$58 million in additional funding for completion of NCIC 2000. In 1996, the Congress earmarked \$57 million in the Department of Justice Working Capital Fund and FBI internal Automated Data Processing funding for NCIC 2000 development in response to the FBI's new cost estimate. Negotiations on the latest Change Order Proposal (COP #8) are now complete and the FBI has identified a requirement for an additional \$29.68 million to complete development of NCIC 2000. The Attorney General notified the Congress of her intentions to transfer \$30.68 million to the FBI for completion of NCIC 2000 and Congress approved this action on January 15, 1997.

DEMAND/WORK-LOAD, INPUT & OUTPUT

1, 6-8, 20-27, 31, 52, 53, 56, 57. Budgetary Constraints

DEMAND/WORKLOAD

7. The projected UCR training requests in 1996 are less than those received in 1995 due to the Government furlough and the loss of personnel during the transition to WV.

OUTPUT

1 & 13. Movement of fingerprints from Headquarters (HQ) to WV and back to HQ during the transition.

26, 27. Lack of sufficient resources at the Federal and State levels (Implementation of NIBRS and the UFCR Act)

DEMAND/WORKLOAD & OUTPUT

1 & 13. Unpredictable and uncontrollable fingerprint work increases.

1 & 13. Reductions of staffing level due to the relocation of the CJIS Division and transition overhead for the relocation process.

1 & 13. Increasing receipts and personnel transition efforts have contributed to the current 2,900,000 card backlog reached on 1/15/97. As a result, average processing time for all fingerprint cards has increased to 113 days (146 days for criminal and 48 days for civil). From 10/1/95 until 9/30/96, the FBI received 5,535,362 criminal fingerprint cards and 5,708,177 civil fingerprint cards. These figures indicate a 3.8 percent increase in criminal fingerprint card submissions and a 27 percent increase in civil fingerprint card submissions over 1995. The loss of experienced personnel during the transition to West Virginia has also had an immense effect on the FBI's ability to keep up with these increasing demands.

C. FACTORS AFFECTING SELECTION OF FY 1997 AND FY 1998 TARGETS

OUTPUT & OUTCOME

31 & 56. Detailed Explanation of Factors Affecting NCIC 2000 Completion:

Through internal reallocations, the FBI plans to assign five additional positions to the Project Office. The NCIC 2000 contractor plans to hire additional staff in 1997, when full software development is expected to begin. Based on the outcome of COP #8 negotiations, the Attorney General will transfer a total of \$10.6 million to the FBI to complete NCIC 2000 development. Other project milestones depend on continued successful progress in system and software development.

DEMAND/WORK-LOAD, INPUT & OUTPUT

1, 6-8, 20-27, 31, 52, 53, 56, 57. Budgetary Constraints

DEMAND/WORKLOAD

12. The III inquiries for firearms is going to increase from 1998 to 1999 due to the new disqualifying factors. It is unlawful to sell firearms to anyone who is (1) under indictment or has been convicted of a felony with a sentence of at least one year; (2) a fugitive; (3) a user of or addicted to any controlled substances; (4) adjudicated as a mental defective or committed to any mental institution; (5) an alien who is illegally or unlawfully in the U.S.; (6) dishonorably discharged from the Armed Forces; (7) a citizen who has renounced citizenship; and (8) subject to a court order restraining such person from harassing, stalking, or threatening an intimate partner or child of such partner or person.

OUTPUT

25 & 26 Lack of sufficient resources at the Federal and State levels (Implementation of NIBRS and the UFCR Act)

DEMAND/WORKLOAD & OUTPUT

1 & 13. Unpredictable and uncontrollable fingerprint work increases

1 & 13. Reductions of staffing level due to the relocation of CJIS Division and transition overhead for the relocation process

1 & 13. Movement of fingerprints from FBI Headquarters (HQ) to WV and back to HQ during the transition

1 & 13. Increasing receipts and personnel transition efforts have contributed to the current 2,000,000 card backlog reached on 1/15/97. As a result, average processing time (10/1/95 through 9/30/96) for all fingerprint cards is almost 113 days (146 days for criminal and 27 for civil). From 10/1/95 until 9/30/96, the FBI received 5,535,362 criminal fingerprint cards and 5,708,177 civil fingerprint cards. These figures indicate a 3.8 percent increase in criminal fingerprint card submissions and a 26.8 percent increase in civil fingerprint card submissions over 1995. The loss of experienced personnel during the transition to West Virginia has also had an immense affect on the FBI's ability to keep up with these increasing demands.

Federal Bureau of Investigation
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)

Management and Administration	Perm Pos.	FTE	Amount
1997 Appropriation Anticipated	1,797	1,591	\$143,984
1998 Base	1,807	1,582	149,319
1998 Estimate	2,046	1,802	160,713
Increase/Decrease	239	120	\$11,394

BASE-LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: The Management and Administration (M&A) functions of the FBI are extremely varied and performed by separate components throughout the organization. Matters related to personnel, finance, planning, evaluation, compliance, public affairs, and the law all fall under the Management and Administration function. Significant and numerous changes in each of these fields are, in most instances, increasing the administrative workload of the FBI. The base-level capabilities and then, the strategic assessment of each M&A entity are detailed below.

Executive Direction--Director's Office The Director and the Deputy Director's Offices provide the executive management and organizational leadership for all FBI activities.

Equal Employment Opportunity The base-level resources of the Office of Equal Employment Opportunity Affairs (OEEOA) are divided between two units, the Complaint Processing Unit (CPU) and the Special Programs Unit (SPU). The CPU is a reactive unit which handles the top priority of the OEEOA - complaints alleging discrimination. The SPU handles all EEO training matters, monitors FBI employment policies, procedures and practices, and oversees the Special Emphasis Programs.

The FBI must maintain a continuing affirmative action program to promote equal opportunity and to identify and eliminate discriminatory practices and procedures. EEO matters are handled by the FBI's OEEOA. Each and every complaint received must be reviewed for acceptance or dismissal. Accepted complaints require that a complete and thorough investigation be conducted. Following the investigation, the complainants may request a Final Agency Decision (FAD) with, or without, a hearing before an Administrative Judge of the EEO Commission. All FADs can be appealed or pursued in Federal Court. All EEO complaints must be processed within prescribed deadlines as mandated by Title 29, CFR, Section 1614.

The FBI is also mandated by Congress and Presidential Executive Orders to provide various Special Emphasis Programs (SEPs). These programs are designed to ensure that equal employment opportunity and equal treatment of employees exists within the Federal employment sector. These programs also ensure that minorities, women, and persons with disabilities are fairly represented in all occupations and at all levels within the organization.

The FBI is currently carrying out its responsibilities required as part of the settlement agreement reached in connection with the litigation entitled, *Emmanuel Johnson, et al vs Stuart Gerson, Acting Attorney General*, (U.S.D.C., D.C. Civil Action No. 93-0206), commonly referred to as the "Black Agents Don't Get Equality" or "BADGE" litigation. Legal mandates call for regular monitoring and evaluation, over a five-year period, of various employment practices, procedures and policies in an effort to avoid adverse impact on any protected groups of employees.

Public Affairs. The Public and Congressional Affairs (OPCA) manages FBI media affairs, fugitive publicity, Congressional relations regarding pending or proposed legislation, tours, General Accounting Office (GAO) liaison, and the Freedom of Information and Privacy Acts (FOIPA) function. The FBI's OPCA is responsible for responding to public, media, and Congressional inquiries. Requests from the public for information on FBI investigations, programs and services are received from a wide spectrum of American society to include individual citizens, special interest groups, business and industry, the academic community, foreign interest groups, and State and local government, among many others. Requests from the media, whether from the news, informational, educational, or entertainment industry, are at exceptionally high levels. The national and international news media interest in FBI investigations, such as OKBOMB and the UNABOM, is regarded as the most intense in FBI history. Requests from the Congress for FBI expert testimony, substantive information, special briefings and other various inquiries are also at very high levels. Many of these requests are due to global political changes, especially throughout Europe. International criminal and national security issues are matters receiving great attention and study by both Houses of Congress. OPCA also responds to requests from the GAO.

The FBI's FOIPA function further promotes the people's democracy by providing access to information as the public requests information on themselves, family members, movie stars, court cases, and other material which the FBI holds as government documents. The Freedom of Information Act of 1966 and subsequent amendments have provided for a public review of the Federal government's operations and consequently, opportunities to challenge current practices that have proven wasteful or unsafe for the American public. FBI material relevant to each request is reviewed by paralegal specialists at the FBI Headquarters location and field offices against statutes under the Freedom of Information and Privacy Acts and, most currently, the Electronic Freedom of Information Act (EFOIA) of 1996. This optimization of public records is essential in order to create more openness throughout the Federal government and to comply with Presidential directives mandating such disclosure. The FOIPA function is one of the FBI's most vital public relations functions.

Legal Matters. With the base level of resources, the Office of General Counsel (OGC) will continue to provide adequate and timely legal advice on all FBI investigative and administrative operations, defense to all personnel litigation, provide adequate support to the defense of litigation brought against the FBI, its programs and its personnel, and legal instruction to FBI New Agents, DEA Basic Agents, the National Academy, In-Service Classes and a number of specialized schools.

The OGC is responsible for providing accurate and timely legal advice to the Director and all other FBI officials and personnel to insure that all FBI investigative and administrative operations are conducted within legal constraints, for insuring that the FBI and its programs and personnel are adequately defended in litigation, and for providing essential legal training to FBI and DEA personnel, the National Academy and other law enforcement groups. The OGC is currently facing a severe increase in workload related to the following

areas, increases in operational advice and reviews for legal sufficiency of such techniques as electronic surveillance pursuant to the Foreign Intelligence Surveillance Act, significant increases in the number and complexity of Congressional requests for FBI documents and the number of personnel file reviews in federal criminal prosecutions required by the Hefthorn decision, and significant increases in the amount of litigation the FBI is involved in as a result of expanded responsibilities and the FBI's increased commitment to counterterrorism.

FINANCE. The Finance Division manages property, procurement, accounting and budgeting activities for the FBI. Finance Division base level resources are adequate to address existing workload. However, the increased workload resulting from the planned Laboratory and Criminal Justice Information Services (CJIS) facilities and other FBI infrastructure changes is stretching existing resources. The continued implementation of the Standard General Ledger (SGL) will have a significant effect on FD resources.

Planning, Evaluation and Compliance. The FBI's Inspection Division (INSD) is responsible for strategic planning and the auditing and evaluation of all FBI programs. INSD is also responsible for investigating allegations of criminal or other misconduct activities involving FBI employees. INSD is tasked by executive management to conduct evaluations where significant opportunities to improve FBI operations exist. Each program evaluation or major project requires the employment of various data gathering methodologies that frequently produce hundreds or perhaps thousands of pages of text material that require intensive analysis. The ability to carry out effective evaluations require a highly experienced and trained staff. The Budget and Accounting Act of 1950 and OMB Circular A-73 dated March 15, 1978, require agencies to maintain audit staffs which independently conduct internal examinations. In addition, GAO standards for audits of government organizations, program activities, and functions require periodic audits. The INSD is required to conduct inspections of field office and Headquarters entities every three years.

Personnel. The FBI's Personnel Division is responsible for providing a host of administrative services for all FBI employees. Included are health care, counseling, career guidance, employee benefits, pay administration, position classification, staffing, and facilities management. Additionally, the Personnel Division is responsible for security of the FBI JEH Building and the Washington Metropolitan Field Office, planning, design, and construction/renovation projects Bureau wide, management of all matters associated with the 56 field offices and approximately 400 resident agencies, oversight of the operations, maintenance, repair and alterations of the JEH Building, and printing and reproduction service functions.

The Personnel Division recently contracted for functions related to facilities management, such as laborers, outside maintenance of the JEH Building, and custodial workers for cleaning restrooms. To support these contracts, funding from the building maintenance account was reallocated from other nonpersonnel funding within the facilities management function, leaving a significant shortage of funds to address building deficiencies. Building maintenance/repairs are becoming more and more frequent as the building ages and deteriorates, prolonging maintenance costs.

LONG-RANGE GOAL: To more effectively and efficiently meet the expanding administrative needs of the FBI.

To facilitate lawful public access to FBI records in response to Freedom of Information and Privacy Acts (FOIPA) requests and to comply with the Electronic Freedom of Information Act (EFOIA) of 1996.

MAJOR OBJECTIVES:

- To ensure that the FBI work environment meets or exceeds standards of conduct as set forth by the EEOC and to ensure that deviations from that standard are handled appropriately
- To establish and maintain an effective relationship with the public, Congress and oversight entities and to identify and formulate legislative proposals that confront modern crime problems not addressed or inadequately addressed in current law
- To develop long-range information management strategies that facilitate the transition from manual records management practices to modern information technology such as the FOIPA Document Processing System (FDPS), which provides automation support to the current, labor-intensive process of handling FOIPA requests
- To streamline the FOIPA process through procedural and technological changes
- To improve the quality and timeliness of all FBI legal services
- To provide more timely, accurate, and user oriented financial products and services
- To conduct inspections of every FBI entity on a three-year cycle
- To publish an FBI strategic plan
- To conduct program evaluations and management assistance studies
- To improve the health, safety and well-being of all FBI employees
- To meet the internal staffing needs of the FBI
- To ensure the physical security of the JEH Building and the Washington Metropolitan Field Office (WMFO)
- To acquire, alter, and maintain appropriate space to house the FBI's 56 field offices and approximately 400 resident agencies
- To provide for printing, warehousing and supply services

PROGRAM INCREASES: For 1998, the Management and Administration (M&A) decision unit is requesting 239 support positions, 120 support FTE, and \$11,394,000 for the Management Infrastructure Initiative. These resources are being requested in the Freedom of Information and Privacy Acts program activity in order to support the implementation of the Electronic Freedom of Information Act (EFOIA) of 1996. Also, for 1998, the M&A decision unit Facilities Management and Security Section) is requesting a total of \$15,160,000 in Construction funding for the renovation/realignment of the Los Angeles Field Office (\$4,660,000) within the Federal Building and the JEH FBI Headquarters Building (\$10,500,000).

FOIPA analysts protect information essential to the law enforcement mission of the FBI, while complying with laws mandating review for classification. The processing of FOIPA requests is labor-intensive, requiring a line-by-line review of each document in order to make classification determinations. The FBI is deluged with more FOIPA requests each year and has accumulated a mounting backlog of requests. The FBI received for the FOIPA program in the 1997 Justice Appropriations Act, a program increase of 129 positions and \$1.3 million. The FBI anticipates hiring all 129 support positions by the end of FY 1997. These positions will address a portion of the FOIPA backlog.

More recently, during 1996 the Attorney General recognized the FOIPA program, as well as, the FOIPA Document Processing System (FDPS) development as a major Department of Justice initiative. The Attorney General called for more strict management of the FOIPA program and a significant decrease in the backlog of requests by late fiscal year 1997. As a result, the FBI has performed an internal analysis of its FOIPA operations and determined some procedural changes could be made to make the process more efficient. Consequently, the FBI is in process of streamlining to streamline the operation. The FBI expects this business process re-engineering effort would result in at least ten percent productivity gains during fiscal year 1997.

The FBI's focus on FOIPA issues was further emphasized during late 1996 with the passage of the Electronic Freedom of Information Act (EFOIA) of 1996. The EFOIA institutes a number of modifications to the Freedom of Information Act of 1966 (5 U.S.C. Section 552). The EFOIA requires all agencies to provide public information to requesters in electronic format (Compact Disc (CD) or floppy diskette). The EFOIA requires that computer-based information in addition to paper records kept by agencies be subject to review for classification. This includes electronic mail. If an agency cannot currently produce responses in electronic format, a method must be instituted immediately. Each agency is encouraged to begin automating its public reading rooms and FOIA libraries for ease in public access. In fact, all "reading room" material created on or after November 1, 1996, must be available in electronic format by November 1, 1997. In addition, the Act places increased emphasis on (1) a speedy response time to requesters, (2) expedited processing for those with special circumstances, and (3) a longer response time for agency compliance.

The 1966 law provides ten days for agencies to respond to requesters. However, the EFOIA doubles that response time to twenty days, but contains a provision that would specifically disallow "predictable agency workload of requests" from serving as an exceptional circumstance for purposes of a court-ordered stay of proceedings under the Open America decision. The Act provides an exemption for agencies when attempting to meet the twenty day time limit. By this, an agency would negotiate with a requester to narrow the scope of the request. This requirement necessitates the formation of a team to negotiate with requesters. The group would try to minimize the scope of the request in order to effect a proper turnaround time to the requester. Currently, the FOIPA staff is not able to allocate personnel to this negotiation team because every employee is performing functions critical to eliminating the chronic backlog of requests.

The EFOIA would require agencies to indicate the amount of information deleted in response to a FOIA request, unless such an indication would harm an interest protected by an exemption. The Act imposes a technical feasibility standard for such specifications. Upon completion, the FBI's FDPS will satisfy all technical standards required by EFOIA statutes. The FBI's FDPS was designed to show the quantity of redacted material from each page of responses presented a requester. The redacted portion appears as a gray-shaded area on the page.

Despite the FBI's re-engineering efforts, the EFOIA places additional demands on the FBI's FOIPA operation that can only be remedied by an enhanced staff of trained professionals. The FBI's streamlining will allow for a ten percent reduction in the backlog of requests, however, the EFOIA does not allow for agency backlogs of requests nor does it allow agencies to claim exemptions under traditional precedents under the Open America decision. For these reasons, the FBI requires 219 positions and \$11,394,000 to comply with the EFOIA of 1996 and other provisions under the FOIPAs. The FBI's successful acquisition, training, and utilization of these personnel resources would promote a higher level of operating efficiency and ultimately optimal public confidence and satisfaction.

NAME OF DECISION UNIT		EEO		Performance Indicators		1994		1995		1996		1997		1998	
Type of Measure		Actual		Actual		Actual		Actual		Actual		Estimate		Target	
DEMAND/WORKLOAD															
INPUT	1	EEO complaints pending at the beginning of the year		198		174		165		192		192		203	
	2	EEO complaints filed during the year		105		120		127		130		130		135	
	3	EEO complaints remained		5		6		1		6		6		7	
	4	EEO complaints pending at year end		174		165		192		203		203		215	
	5	EEO counseling matters initiated		386		428		338		452		452		460	
	6	Appeals pending on EEO complaints						39		50		50		53	
	7	Civil actions pending on EEO complaints						31		25		25		22	
	8	RAC requests pending at the beginning of the year		2		1		4		13		13		10	
	9	RAC requests filed during the year		41		37		64		75		75		90	
	10	RAC requests pending at year end		1		4		13		10		10		15	
	11	Number of requests for SLI services		217		214		263		250		250		270	
	12	Agents in OEEOA		7		6		5		5		5		5	
	13	Support in OEEOA		19		18		21		22		22		22	
	14	EEO Investigators in field offices		178		191		223		198		198		201	
	15	EEO Counselors in field offices/FBIHQ		398		404		387		410		410		416	
	16	Sexual Harassment Facilitators				149		140		100		100		100	
	17	Cultural Diversity Instructors		26		80		100		100		100		100	
	18	EEO complaints closed during the year		134		135		99		125		125		130	
	19	EEO counseling matters successfully resolved prior to complaint		281		308		211		322		322		325	
	20	EEO investigations completed		89		78		53		70		70		75	
	21	Total number of individuals trained													
	a	New Agents		122		1618		2050		1700		1700		1700	
	b	Supervisors/Managers/Executives		778		979		862		1000		1000		1000	
	c	National Academy		317		107		50		150		150		150	
	d	General Support Personnel		184		589		117		700		700		700	
	e	Agent Personnel		580		119		618		500		500		500	
	f	Employer conferences		1,438		2,070		2,106		4,000		4,000		4,000	
	g	Cultural Diversity Instructors				40		40		75		75		75	
	h	Sexual Harassment Facilitators		60		174		100		175		175		175	
	i	EEO Counselors		42		115		66		125		125		125	
	j	EEO Investigators		468		915		350		1,200		1,200		1,200	
	k	Other													
	22	RAC requests closed during the year		42		34		55		78		78		90	
	23	Number of SLI hours provided													
	a	Contract SLI		496		418		551		400		400		450	
	b	Staff SLI		286		459		422		480		480		480	
	24	SEP Commemorative Events held		9		12		14		15		15		16	
	25	SEP Subcommittee meetings held		24		25		26		26		26		30	

NAME OF DECISION UNIT Type of Measure	EEO Activity	1987		1988		1989		1990		1991		1992		1993		1994		1995		1996		1997		1998		1999		2000		2001		2002		2003		2004		2005		2006		2007		2008		2009		2010		2011		2012		2013		2014		2015		2016		2017		2018		2019		2020		2021		2022		2023		2024		2025		2026		2027		2028		2029		2030		2031		2032		2033		2034		2035		2036		2037		2038		2039		2040		2041		2042		2043		2044		2045		2046		2047		2048		2049		2050		2051		2052		2053		2054		2055		2056		2057		2058		2059		2060		2061		2062		2063		2064		2065		2066		2067		2068		2069		2070		2071		2072		2073		2074		2075		2076		2077		2078		2079		2080		2081		2082		2083		2084		2085		2086		2087		2088		2089		2090		2091		2092		2093		2094		2095		2096		2097		2098		2099		2100		2101		2102		2103		2104		2105		2106		2107		2108		2109		2110		2111		2112		2113		2114		2115		2116		2117		2118		2119		2120		2121		2122		2123		2124		2125		2126		2127		2128		2129		2130		2131		2132		2133		2134		2135		2136		2137		2138		2139		2140		2141		2142		2143		2144		2145		2146		2147		2148		2149		2150		2151		2152		2153		2154		2155		2156		2157		2158		2159		2160		2161		2162		2163		2164		2165		2166		2167		2168		2169		2170		2171		2172		2173		2174		2175		2176		2177		2178		2179		2180		2181		2182		2183		2184		2185		2186		2187		2188		2189		2190		2191		2192		2193		2194		2195		2196		2197		2198		2199		2200		2201		2202		2203		2204		2205		2206		2207		2208		2209		2210		2211		2212		2213		2214		2215		2216		2217		2218		2219		2220		2221		2222		2223		2224		2225		2226		2227		2228		2229		2230		2231		2232		2233		2234		2235		2236		2237		2238		2239		2240		2241		2242		2243		2244		2245		2246		2247		2248		2249		2250		2251		2252		2253		2254		2255		2256		2257		2258		2259		2260		2261		2262		2263		2264		2265		2266		2267		2268		2269		2270		2271		2272		2273		2274		2275		2276		2277		2278		2279		2280		2281		2282		2283		2284		2285		2286		2287		2288		2289		2290		2291		2292		2293		2294		2295		2296		2297		2298		2299		2300		2301		2302		2303		2304		2305		2306		2307		2308		2309		2310		2311		2312		2313		2314		2315		2316		2317		2318		2319		2320		2321		2322		2323		2324		2325		2326		2327		2328		2329		2330		2331		2332		2333		2334		2335		2336		2337		2338		2339		2340		2341		2342		2343		2344		2345		2346		2347		2348		2349		2350		2351		2352		2353		2354		2355		2356		2357		2358		2359		2360		2361		2362		2363		2364		2365		2366		2367		2368		2369		2370		2371		2372		2373		2374		2375		2376		2377		2378		2379		2380		2381		2382		2383		2384		2385		2386		2387		2388		2389		2390		2391		2392		2393		2394		2395		2396		2397		2398		2399		2400		2401		2402		2403		2404		2405		2406		2407		2408		2409		2410		2411		2412		2413		2414		2415		2416		2417		2418		2419		2420		2421		2422		2423		2424		2425		2426		2427		2428		2429		2430		2431		2432		2433		2434		2435		2436		2437		2438		2439		2440		
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OFFICE OF PUBLIC AND CONGRESSIONAL AFFAIRS (INCLUDES THE FREEDOM OF INFORMATION AND PRIVACY ACTS PROGRAM ACTIVITY)									
NAME OF DECISION UNIT	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual
IN HAND/WORKLOAD	60	223	338	225	225	225	225	225	225
Requests from Media	46	65	30	30	30	30	30	30	30
Preparation of speeches, briefing material and remarks	4,400	4,400	4,400	4,400	4,400	4,400	4,400	4,400	4,400
Constituent inquiries	10,648	11,827	15,447	16,584	16,584	16,584	16,584	16,584	16,584
FOIPA backlog (cases)	14 FTE	14 FTE	23 FTE	13 FTE	13 FTE	13 FTE	13 FTE	13 FTE	13 FTE
Congressional Affairs/FOIPA From Office	9 FTE	9 FTE	22 FTE	12 FTE	12 FTE	12 FTE	12 FTE	12 FTE	12 FTE
Correspondence	9 FTE	9 FTE	22 FTE	12 FTE	12 FTE	12 FTE	12 FTE	12 FTE	12 FTE
Special Events	43 FTE	36 FTE	34 FTE	31 FTE	31 FTE	31 FTE	31 FTE	31 FTE	31 FTE
Press Office	10 FTE	16 FTE	16 FTE	16 FTE	16 FTE	16 FTE	16 FTE	16 FTE	16 FTE
Research	11 FTE	4 FTE	10 FTE	12 FTE	12 FTE	12 FTE	12 FTE	12 FTE	12 FTE
FOIPA requests received (cases)	11,740	11,698	13,079	13,000	13,000	13,000	13,000	13,000	13,000
OUTPUT									
FBI issues covered by the Media, fugitives arrested, Radio program Top Ten	651	841	476	845	845	845	845	845	845
Fugitives publicized	33,461	33,500	36,000	36,000	36,000	36,000	36,000	36,000	36,000
Communications Processed to increase public understanding of the FBI and its mission	9,289	12,816	13,054	15,000	15,000	15,000	15,000	15,000	15,000
Tours given	320	320	330	330	330	330	330	330	330
Interviews given (GAO Reviews)	10,581	8,117	12,280	11,917	11,917	11,917	11,917	11,917	11,917
FOIPA requests received	7	8	10	5	5	5	5	5	5
Number of Field Offices/Headings Conducted	604	805	805	805	805	805	805	805	805
Press Liaison	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Tour surveys are conducted every other year	172	137	189	150	150	150	150	150	150
Interviews granted	(11%)	(11%)	(30%)	(7%)	(7%)	(7%)	(7%)	(7%)	(7%)
% decrease (increase) of FOIPA backlog	47	36	37	40	40	40	40	40	40
Arrests	10,731	10,924	11,000	11,000	11,000	11,000	11,000	11,000	11,000
Articles									
Promote further openness in Government and provide better public access to records									
PRODUCTIVITY/EFFICIENCY									
REC: 1105	245	312	400	400	400	400	400	400	400

NAME OF DECISION UNIT Type of Measure	MANAGEMENT AND ADMINISTRATIVE (PERSONNEL)				1997		1998	
	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Estimate	1998 Target		
OUTCOME	1. Number of Employees Removed from Department of Labor Periodic Rolls	2	3	3	3	6		
	A. Agent	5.49%	4.70%	4.31%	4.15%	4.79%		
	B. Support	4.70%	3.92%	3.16%	3.18%	3.73%		
	3. Total Number of Transfers, TDY & Detail Assignments Effected	739	849	1,372	1,200	1,400		
	A. Agent	144	150	619	700	650		
PRODUCTIVITY/EFFICIENCY	1. Total Number of Expeditions, Relocations, and Reassignments/Miscellaneous Services	942	1,331	1,578	1,735	1,735		
	Percentage of Personnel Actions Processed Within Established Time Frame				75%	75%		
	2. Customer Satisfaction Percentage Rate as a Result of Final Inspections (Alternant Plus)	100%	100%	100%	100%	100%		
	RATIOS							

NAME OF DECISION UNIT Type of Measure	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Estimate	1998 Target
OFFICE OF GENERAL COUNSEL						
Performance Indicators						
Civil Litigation						
1 Civil Actions (nonauto) pending (beginning of yr)	450	459	563	539	539	563
2 Administrative Claims pending at beginning of year	115	163	666	408	408	523
Employment Law						
3 Average number of pending cases (Adverse)	48	15	52	50	50	65
4 Average number of pending cases (Litigation)	99	99	97	100	100	90
Legal Instruction						
5 Instructional hours requested	1,300	1,614	1,952	1,102	1,102	1,102
6 Total research hours requested	1,300	1,206	2,000	1,200	1,200	4,200
Administrative Law						
7 Projects assigned	N	304	434	400	400	400
8 Projects pending beginning of year	N	78	132	150	150	150
9 Requests for advice received	N	N	3,523	4,200	4,200	4,400
Legal Tortfeasure						
10 Requests received for tortfeasure recommendations	9305	1,511	1,127	1,361	1,361	1,407
11 Requests received for petitions review	639	353	252	489	489	537
12 Training Seminars	17	16	9	15	15	17
Investigative Law						
13 Projects received	519	352	421	325	325	300
14 Projects pending at beginning of year	85	85	98	90	90	80
15 Requests for advice received	1,824	1,656	878	1,800	1,800	1,850
16 Criminal/Discovery matters received	914	597	501	700	700	80
National Security Law						
17 Written requests received	N	N	1,200	1,900	1,900	2,204
18 Written requests (NSI) request 1	N	N	3,150	2,200	2,200	2,500
19 Multitasks requested	N	N	600	600	600	720
20 Walk-in requests for advice	N	N	2,450	4,000	4,000	4,500
21 Call-in requests for advice	N	N	1,750	4,520	4,520	5,376
22 Written guidance requested	N	N	750	1,148	1,148	1,316
23 Undercover matters received	N	N	70	60	60	85
24 Requests pending then of yr Request received	505	517	600	575	575	600
INFLTS						
On Board Personnel						
1800 Special Agents	10	18	16	19	19	19
1800 Support	138	118	125	133	133	133

NAME OF DECISION UNIT Type of Measure	OFFICE OF GENERAL COUNSEL Performance Indicators				
	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Estimate
OUTPUTS					
Civil Litigation					
1 Civil Actions (nonauto) closed	260	279	332	340	340
2 Administrative Claims closed	755	607	932	632	632
Employment Law					
3 Administrative Claims	48	45	52	50	50
4 Average number of pending cases (litigation)	90	99	97	100	100
Legal Instruction					
5 Research hours expended	3,800	1,935	1,200	1,200	1,200
6 FBI New Agent classes graduated	X	18	25	25	25
7 DII A New Agent classes graduated	X	8	8	8	8
8 National Academy sessions graduated	X	20	20	20	20
9 Inservice classes provided legal instruction	X	28	28	28	28
10 Law Enforcement bulletin published	X	12	12	12	12
11 Hours of instruction	1,150	1,464	3,952	3,952	3,952
Administrative Law					
12 Projects completed	222	359	401	400	400
13 Documents prepared	X	X	617	700	700
14 Persons trained	X	X	917	1,500	1,500
15 Financial Disclosure Reports reviewed	X	219	275	225	225
16 Contracts litigated	X	1	3	6	6
17 Advice provided	X	X	3,321	4,200	4,200
18 White House Requests for Background Invest. Info	X	X	2,105	4,000	4,000
Legislative					
19 Legislative recommendations	2,441	1,564	1,318	1,361	1,361
20 Persons trained	697	351	415	485	485
21 Student trained	854	1,390	425	660	660
Investigative Law					
22 Projects completed	482	402	424	375	375
23 Number of incidents of oral advice given	1,854	1,656	825	1,800	1,800
24 Criminal discovery	950	623	504	750	750
25 Speeches training	15	6	12	15	15
National Security Law					
26 NSA matters handled	X	X	1,246	1,981	1,981
27 NSA's completed	X	X	3,086	2,000	2,000
28 Mailovers completed	X	X	372	630	630
29 Walk-in requests for advice handled	X	X	2,000	4,004	4,004
30 Call-in requests for advice handled	X	X	2,640	4,529	4,529
31 Written guidance given	X	X	600	1,148	1,148
32 Undercover matter handled	X	X	40	84	84
Civil Discovery & Review					
33 Pages processed (pages reviewed, line-by-line, and privileged info redacted)	184,415	268,460	198,411	210,000	210,000
34 Pages reviewed (redaction work checked)	272,781	351,918	248,332	270,000	270,000
35 Review of pages (review documents for specific reference from main file)	899,530	1,557,627	892,351	1,000,000	1,000,000

NAME OF DECISION UNIT Type of Measure	OFFICE OF GENERAL COUNSEL Performance Indicators					1997		1998
	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Estimate	1997 Target	1997 Estimate	1998 Target
OUTCOMES	Civil Litigation							
	1. Civil Actions (not auto resolved by motion)							
	Employment Law	266	220	284	285	285	285	290
	2. Wins	15	41	35	X	X	X	X
	3. By motion	18	26	34	X	X	X	X
	4. After trial	17	16	1	X	X	X	X
	5. Settlements	18	16	14	X	X	X	X
	Legal Instruction							
	6. Relevance of instruction to student duties	X	X	X	X	X	X	X
	7. Decrease in number of motions or civil actions attributed to legal training	X	X	X	X	X	X	X
IMPACT	Administrative Law							
	8. Average response time on projects	X	X	90 days	45 days	45 days	45 days	30 days
	9. Legal accuracy of outputs	X	X	X	X	X	X	X
	Civil Litigation							
	1. Increased productivity and involvement	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Employment Law							
	2. Increased management flexibility	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	3. Increased productivity	X	X	X	X	X	X	X
	Administrative Law							
	4. FBI is in full compliance with administrative laws and regulations	Yes	Yes	Yes	Yes	Yes	Yes	X
NATIONAL SECURITY LAW								
	5. Legal guidance assists the FBI to assume lead in U.S. government in national security affairs	X	Yes	Yes	Yes	Yes	Yes	Yes

NAME OF DECISION UNIT MANAGEMENT AND ADMINISTRATION (INSPECTION)									
Type of Measure		Performance Indicators		1994	1995	1996	1997	1998	
Type of Measure		Performance Indicators		Actual	Actual	Actual	Target	Target	
DEMAND/WORK LOAD		1. # Inspections schedule	OI	23	20	27	37	30	30
		2. Shooting incidents	OI (AUDITS)			25			
		1. Field Office financial audits	OI (AUDITS)	24	20	14	21	21	20
		2. Field Office microcomputer audits	OI (AUDITS)	24	20	13	22	21	20
		3. FBIHQ Contract and Audit	OI (AUDITS)			1			
		4. Other financial audits	OI (AUDITS)			8			
		5. Other EDP audits	OI (AUDITS)			1			
		6. # of evaluations & studies opened	OPEA	22	22	4	32	32	53
		7. Develop FBI SP process	NTU						
		8. Appeals completed	APPEL1 ATF	22		N/A			
		9. Onboard Special Agent (SA) Support (NFI) Personnel	INSIDE FRONT OFFICE	7	7	5	6	6	6
		10. Onboard SASPT Personnel	OI EXCITING AUDIT	31	20	24	27	27	37
		11. Onboard SASPT Personnel	OI AUDITS	20	19	20	29	29	48
		12. Onboard SASPT Personnel	OFFAU						
		13. Onboard SASPT Personnel	SPI	7	9	8	11	11	17
OUTPUT		14. Strategic Planning		1	15	3.5	3.5	5	5
		15. Customer Service			0.5	1	1	1	1
		16. Reg. Reduction			1				
		17. Reengineering			1				
		18. NPR Master			1	1	0.5	0.5	10
		19. Support Services	APPEL1 ATF	1	1	1	1	1	1
		20. Onboard SASPT Personnel				N/A	6	6	19
		21. Number of inspections completed		548	327	23	700	700	800
		22. Number of inspection instructions and recommendations			3	9	5	5	5
		23. Shooting incidents investigated							
		24. OI (Audits)							
		25. Field Office financial audits		14	20	14	21	21	20
		26. Field Office microcomputer audits		11	20	13	22	22	20
		27. Other financial reviews and audits		3	8	8	24	24	78
		28. Comprehensive FBIHQ EDP audits		1	6	9	8	8	9

NAME OF DECISION UNIT MANAGEMENT AND ADMINISTRATION (INSPECTION)									
Type of Measure	Performance Indicators		1994	1995	1996	1997	1997	1998	
			Actual	Actual	Actual	Target	Estimate	Target	
OUTCOME	5. One EOP audit								
	6. Congressional audit reports issued (OPFAL)								
	7. Field Office Auditors trained								
	8. Evaluations & studies completed								
	9. Recommendations advanced								
	10. Organizational improvement issues identified								
	11. Produce an FBI SP								
	12. Develop CS Plans								
	13. Develop RR Plan								
	14. Reengineering review								
	15. Respond to NPR matters								
	16. Conduct training								
	17. Appeals Completed								
	18. Improved Productivity								
	19. Measured improvement FBI financial management								
	20. Measured improvement in IT productivity								
OUTCOME	21. Recommendations approved								
	22. Conclude issues survey by FIS								
	23. Complete potential evaluations								
	24. Resolution of appeals								

NAME OF DECISION UNIT MANAGEMENT AND ADMINISTRATION (INSPECTIONS)							
Type of Measure	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Estimate	1998 Target	
IMPACT	O						
	O (AUDITS)						
	Improved financial management of FBI resources & improved IT products						
	OPEAU						
	YES	YES	YES	YES	YES	YES	
	1 Provide management with essential information						
	YES	YES	YES	YES	YES	YES	
	2 Assure that approved recommendations are implemented						
	YES	YES	YES	YES	YES	YES	
	3 Enhance organizational efficiency and effectiveness						
PRODUCTIVITY/EFFICIENCY RATIOS	APPELLATE						
	Confidence in OPR process						
	OPEAU						
	3.0	2.9		3.0	3.0	3.0	
	1 Ratio of completed evaluations/indexes per FTE						
	NA	NA					
2 Proportion of approved recommendations implemented							

**Federal Bureau of Investigation,
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)**

Item	Organized Criminal Enterprises Increases			White Collar Crime Increases			Management and Administration Increases			Total		
	Pos	Amount		Pos	Amount		Pos	Amount		Pos	Amount	
Grades												
GS-15	8	\$624					3	\$234		11	858	
GS-14	21	1,407					3	\$201		24	1,608	
GS-13	78	4,368		54	\$3,024		19	\$1,064		151	8,456	
GS-12	3	141		2	\$94		4	\$188		9	423	
GS-11	41	1,599		13	\$507		162	\$6,318		216	8,424	
GS-10	10	360					2	\$72		12	432	
GS-9							15	\$495		15	495	
GS-8							26	\$702		26	702	
GS-7	30	690		21	\$463		5	\$115		56	1,288	
GS-6	181	9,189		90	4,108		239	9,389		520	22,686	
Total positions and annual rate	(95)	(4,534)		(45)	(2,021)		(119)	(4,717)		(259)	(11,272)	
Lapse (-)	14	1,117		6	441			200		20	1,758	
Other personnel compensation												
Total workyears and personnel												
Compensation	110	5,772		51	2,528		120	4,872		281	13,172	
Personnel benefits		4,116			1,387			1,402			6,905	
Travel and transportation of persons		1,004			223			254			1,481	
Transportation of things		681			244						925	
GSA rent		453			270			717			1,440	
Rental payments to others		1,445									1,445	
Comm., utilities, and misc. charges		3,459			98			260			3,817	
Printing and reproduction												
Advisory and assistance services		25			16			7			48	
Other services		5,851			1,825			1,568			9,244	
Research and development contracts												
Operations/maintenance of equipment		103			38						141	
Supplies and materials		469			257			154			880	
Equipment		11,648			2,626			2,160			16,434	
Land and structures												
Total program workyears and obligations	110	\$35,026		51	\$9,512		120	\$11,394		281	\$55,932	
changes requested, 1998												

Federal Bureau of Investigation
Salaries and Expenses
Status of Congressionally Requested Studies, Reports, and Evaluations

The Senate Report 104-353 directed the FBI to continue submitting quarterly reports regarding the status of the National Crime Information Center (NCIC) 2000 and Integrated Automated Fingerprint Identification System (IAFIS) projects to the House and Senate Committees on Appropriations. The fourth quarter Fiscal Year (F Y) 1996 NCIC 2000 status report was submitted on December 19, 1996. The third quarter F Y 1996 IAFIS status report was submitted on August 8, 1996.

The House Report 104-676 directs the FBI and Secretary of State to provide a plan, by February 1, 1997, to ensure that Consular Offices will have access to information currently available to the FBI to prevent the illegal entry of criminals and terrorists into the United States. On February 6, 1997, the FBI forwarded an issue paper to the Department of Justice detailing FBI input for the joint report.

The House Report 104-676 and Conference Report 104-863 directed the FBI to examine the following proposals and submit a report on intentions for the 1) North Carolina Criminal Justice Information Network Mapstrate Project; 2) North Carolina Criminal Justice Information Mobile Data Network; 3) Center for Forensic Science Standards in Central Florida; and 4) South Carolina State DNA identification record base.) Funding provided to the FBI for grants to State and local authorities for identification systems and DNA laboratories was appropriated for formula grants authorized by Section 811(b) of the Antiterrorism and Effective Death Penalty Act of 1996. Due to the formula nature of this funding, these individual proposals were not reviewed by the FBI; rather, block funding provided to eligible States will be allocated to projects selected by the State's chief executive officer. However, the Office of Justice Programs will examine these projects for discretionary grant funding in F Y 1997.

Federal Bureau of Investigation
Salaries and Expenses
1998 Priority Rankings

BASE PROGRAM		PROGRAM INCREASES	
	Ranking		Ranking
Program	1	Program	1
White Collar Crime		Organized Criminal Enterprises	
Other Field Programs	2	White Collar Crime	2
Organized Criminal Enterprises	3	Management and Administration	3
Technical Field Support and Services	4		
Forensic Services	5		
Criminal Justice Services	6		
Training, Recruitment, and Applicant	7		
Information Management, Automation,	8		
and Telecommunications			
Management and Administration	9		

Federal Bureau of Investigation
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996		1997		Adjustments to Base***		1998 Program Increases		Total	
	Total*		Total		Auth		Auth		Auth	
	Auth	Reimb	Auth	Reimb	Auth	Reimb	Auth	Reimb	Auth	Reimb
Criminal Investigative Series (1811)	9,765	760	10,360	948	3	(3)	161	44	10,524	989
Fingerprint Identification (072)	740	217	740	217				300	740	517
Administrative and Clerical Support	6,896	872	7,301	993			82	17	7,383	1,010
Investigative and Technical Support	5,162	949	5,897	1,029	10		277	11	6,184	1,040
Total	22,563	2,798	24,298	3,187	13	(3)	520	372	24,831	3,556
Washington	6,163	1,425	6,634	1,421	10		241	300	6,883	1,721
U.S. Field	16,260	1,373	17,516	1,766	3	(3)	239	72	17,760	1,835
Foreign Field	140		148				40		188	
Total	22,563	2,798	24,298	3,187	13	(3)	520	372	24,831	3,556

* Includes 127 SA positions and 246 support positions transferred to the Violent Crime Reduction Program (VCRP) for 1996 only

** Includes 250 SA positions and 170 Support positions transferred from Salaries and Expenses (S&E) to the Health Care Fraud Reimbursable account and the 127 SA positions and 246 support positions transferred from the VCRP

*** Adjustments to Base include 1) 10 Support positions from DOJ's WCF account to the FBI's S&E account

2) Three Reimbursable SA positions to Direct funding

Federal Bureau of Investigation
Salaries and Expenses
Summary of Special Agents and Support Positions/Workyears
FY 1997 - 1998

Appropriated Positions/Workyears

	1997 Appropriation Anticipated					1998 Increases/(Decreases)					1998 Request Level				
	Pos	FTE	Pos	FTE	Total	Agent	Pos	FTE	Pos	Support	Agent	Pos	FTE	Pos	Total
Decision Unit	2,092	2,065	1,770	1,698	3,862	3763	108	82	84	71	192	153	2,200	2,147	1,854
Organized Criminal Enterprises	2,402	2,392	1,757	1,601	4,159	3,993	55	36	36	24	91	82	2,457	2,430	1,783
White Collar Crime	5,312	4,934	4,933	4,178	10,245	9,112	1	315	559	1	874	5,313	5,249	4,933	4,737
Other Field Programs	316	308	575	532	891	840	13	13	13	316	308	575	545	891	853
Training, Recruitment and Applicant	83	55	659	610	722	665	6	13	13	61	659	623	722	684	684
Forensic Services															
Information Management, Automation,															
and Telecommunications	13	13	554	519	567	532					13	13	554	519	567
Technical Field Support and Services	28	27	293	248	321	275			34		28	27	293	282	309
Criminal Justice Services	17	17	1,717	1,609	1,734	1,636					17	17	1,717	1,609	1,734
Management and Administration	117	111	1,680	1,480	1,797	1,591			249	211	117	111	1,929	1,681	2,046
Total	10,360	9,922	13,838	12,475	24,298	22,397	184	441	369	925	533	1,366	10,524	10,363	14,307
															24,831
															23,763

Program increases total 520 positions (161 agents) and 261 FTE. The remaining 13 positions and FTE (3 agents) are a result of adjustments to the base

Federal Bureau of Investigation
Salaries and Expenses
Summary of Special Agents and Support Positions/Workyears
FY 1997 - 1998

Reimbursable Positions/Workyears

	1997 Appropriation Anticipated			1998 Increases (Decreases)			1998 Request Level			Total		
	Agent Pos	Support FTE	Total Pos FTE	Agent Pos	Support FTE	Total Pos FTE	Agent Pos	Support FTE	Total Pos FTE	Agent Pos	Support FTE	Total Pos FTE
Decision Unit												
Organized Criminal Enterprises	610	559	1,169				610	559	1,169	610	559	1,169
White Collar Crime	303	280	583	44	28	72	347	229	576	347	229	576
Other Field Programs												
Training, Recruitment and Applicant	35	170	205	(3)		(3)	32	170	202	32	170	202
Forensic Services												
Information Management, Automation,												
and Telecommunications	184	184	368							184	184	368
Technical Field Support and Services	2	2	4							2	2	4
Criminal Justice Services	1,120	1,011	2,131							1,420	1,311	2,731
Management and Administration	3	3	6							3	3	6
Total	948	2,239	3,187	41	42	83	989	2,567	3,411	989	2,567	3,411

The increase in White Collar Crime reimbursable resources are for the Health Care Fraud program, the decrease of 3 agent positions and FTE is a result of the conversion to direct for the Northern Marianas Islands, and the increase of 300 positions and FTE are for the fingerprint user/fee workload.

Federal Bureau of Investigation
Salaries and Expenses
Summary of Change
(Dollars in thousands)

	Perm Pos	WV	Amount
1997 As Enacted	24,298	22,397	\$2,566,971
1997 High Intensity Drug Trafficking Areas (HIDTA) transfers			3,526
1997 Appropriation Anticipated (Direct)	24,298	22,397	2,570,497
Adjustments to Base Transfer to VCRP			(6,715)
Increases (Direct)			(6,715)
1998 Pay Raise			33,017
Annualization of 1997 Counterterrorism Increases		834	83,336
Annualization of 1997 Positions		258	9,636
Annualization of 1997 Pay Raise			10,654
CSRS Retirement Adjustment			
Within-Grade Increases			
Foreign Allowance			99
Travel Message Allowance Rate			160
GSA Rent			422
Correspondence Management System			27
ICASS Conversion Costs			
ICASS Increase for Staffing			487
General Pricing Level Adjustments			6,016
Spectrum Frequency Management	3	3	370
Conversion from Reimbursable - Northern Marianas Islands	10	10	510
Preparation of Financial Statements	13	1,105	146,738
Total Increases (Direct)			
Decreases			(3,526)
Nonrecrual of HIDTA Funding			(6,152)
Nonrecrual of 1997 Increases			(41,026)
Nonrecrual of 1997 Counterterrorism Amendment			(52,704)
Total Decreases			
1998 Base (Direct)	24,311	23,502	2,637,816
Program Increases-Direct (See Program Narrative for Details)	520	261	55,932
1998 Estimate (Direct)	24,831	23,763	\$2,713,748

**Federal Bureau of Investigation
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)**

	Perm Pos.	W.Y.	Amount
Transfers to and from other accounts.			
1 Transfer to Violent Crime Reduction Program In 1998, a total of \$6,715,000 from the Technical Field Support and Services program is being transferred from Salaries and Expenses to the Violent Crime Reduction Program			-\$6,715
Total transfer			-\$6,715
Increases			
1 1998 Pay Raise This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the 1998 President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested \$33,017,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$36,274,929 for pay and \$6,742,071 for benefits)			\$33,017
2 Annualization of 1997 Counterterrorism Increases This provides for the annualization of 1,264 additional positions approved in the 1997 Counterterrorism Amendment. The annualization of 111 covers agent and support 111 for Training, Recruitment and Applicant, Forensic Services, Management and Administration, and other field programs. This request includes nonrecurring costs for one-time items associated with increased positions		834	83,338

Justification of Adjustments to Base (continued)
(Dollars in thousands)

	Approved 1997 Increases	Annualization Required	Perm Pos.	W.Y.	Amount
Required					
Net Compensation	\$26,627	\$41,164			\$10,654
Associated employee benefits	13,639	17,841			
Travel	1,182	1,380			
Transportation of things	1,085	831			
GSA Rent	2,251	4,338			
Communications/Utilities	826	7,669			
Other Services	16,420	6,245			
Supplies/Materials	1,006	1,569			
Equipment	\$26,287	301			
Total costs subject to annualization	\$89,823	\$83,338			
3. Annualization of 1997 Pay Raise					
This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested \$10,654,000 represents the pay amounts for three quarters of the year \$8,478,453 for compensation and \$2,175,547 for benefits)					
4. Annualization of 518 additional positions approved in 1997					
This provides for the annualization of 518 additional positions provided in 1997 Congressional Action. This annualization of FTE covers the agent and support FTE for Organized Crime, White Collar Crime, Technical Field Support and Services, Management and Administration, and other field support. This request includes nonrecurring costs for one-time items associated with the increased positions.					
				258	9,636

Justification of Adjustments to Base (continued)
(Dollars in Thousands)

Required	Approved 1997 Increases	Annualization Required	Perm. Pos.	WY	Amount
Net Compensation.....	10,695	\$5,731			
Associated employee benefits.....	5,485	1,960			
Travel.....	532	251			\$99
Transportation of things.....	1,007	15			
GSA Rent.....	921	664			160
Communications/Utilities.....	1,255	344			
Other Services.....	3,813	461			
Supplies/Materials.....	336	186			
Equipment.....	9,139	24			
Total costs subject to annualization.....	33,183	\$9,636			
5. Foreign Allowances					
Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$99,000 provides a 1.7 percent increase over the obligations of \$5,824,000, which are committed for 1996.					
6. Mileage Allowance Rate Increase					
The mileage allowance rate has increased from 30 to 31 cents per mile. An increase of \$160,000 is requested in 1998 to cover this rate adjustment.					
7. General Services Administration (GSA)					
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$422,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates frozen at 1997 levels.					

Justification of Adjustments to Base (continued)
(Dollars in Thousands)

		Perm. Pos.	W.Y.	Amount
8	Correspondence Management System An increase of \$27,000 is required in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. This new system, provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved recordkeeping and improved reporting capability.	..	..	\$27
9	ICASS Increase for Staffing Under the ICASS an annual charge will be made by the DOS for administrative support based on the overseas staff of each Federal agency. Because the law enforcement operations of the Department of Justice have increasing international demands, additional overseas staffing since 1995 will result in increased ICASS costs in 1998. Based on the additional overseas staffing, DOS has provided an increased cost estimate of \$487,000 for this organization in 1998.	..	..	487
10	General Pricing Level Adjustments This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	..	..	8,018
11	Spectrum Frequency Management Public Law 104-134 authorizes the Secretary of Commerce to charge Federal agencies for spectrum management services. The National Telecommunications and Information Administration estimates that the Department of Justice costs for 1998 will be \$723,000 based on the annual number of frequency assignments. Given the dependence of the Department's law enforcement operations on efficient and dependable frequency management, this funding is necessary to continued operations. Funding of \$170,000 is requested for the FBI.	..	..	370
12	Northern Mariana Islands Prior to 1998, the Department of Interior reimbursed the Department of Justice for the costs of addressing serious crime problems in the Commonwealth of the Northern Mariana Islands (CNMI). However, beginning in 1998, reimbursement of these costs will not be available. Funding of \$510,000 is requested to maintain current efforts in CNMI. The three positions and workyears are being moved from reimbursable to direct funding.	3	3	510

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Justification of Adjustments to Base (continued)
(Dollars in Thousands)

	Perm Pos.	W.Y. 10	Amount
13. Technical Adjustment for Financial Preparation Statements			
This request is for the preparation of Department-wide consolidated financial statements as required under the Government Management Reform Act of 1994 (GMRA). The GMRA requires that the Attorney General submit to the Director of the Office of Management and Budget an audited financial statement for 1996, which covers all accounts of the Department, by no later than March 1, 1997, and each year thereafter. The GMRA financial statement audits intend to produce complete reliable and useful information for decision makers at all echelons of the government and restore citizen confidence in the financial affairs of the Federal Government.	.....	.....	.....
Total Increases	13	1,105	\$146,738
Decreases			
1. One-time transfer for High Intensity Drug Trafficking Areas (HIDTA)			
The Office of National Drug Control Policy provided funding for HIDTA transfers in 1997. For 1998, these transfer amounts have not been determined and are not reflected in the components budget requests	.....	.....	- \$3,526
2. Nonrecurrence of 1997 Increases			
In 1998, a total of \$8,152,000 will nonrecur from Organized Criminal Enterprises, White Collar Crime, Violent Crimes, Technical Field Support and Services, and Management and Administration	.....	.....	- 8,152
3. Nonrecurrence of 1997 Counterterrorism Amendment			
In 1998, a total of \$41,026,000 will nonrecur from the following programs: Training, Recruitment and Applicant, Forensic Services, Management and Administration and other field programs.	.....	.....	- 41,026
Total Decreases	.....	.....	- \$52,704
			A-198

[illegible]

**Federal Bureau of Investigation
Salary and Expense
Summary of Requirements by Object Class
(Dollars in thousands)**

Object Class	1986 Actual Workyears Amount	1987 Estimate Workyears Amount	1988 Request Workyears Amount	Increase/Decrease Workyears Amount
11.1 Salary personnel	21,141	21,247	21,141	-
11.2 Other personnel	1,100	1,100	1,100	-
11.3 Other personnel compensation	2,964	3,118	3,228	110
11.5 Other personnel compensation	24,206	25,513	26,969	1,476
Total				\$91,705
Reimbursable Workyears	(2,869)	(3,026)	(3,411)	(372)
Net personnel	(479)	(468)	(320)	158
Other personnel compensation				
12 Personnel benefits	298,385	308,853	348,533	23,680
13 Benefits to former personnel	479	309	409	(89)
21 Travel and transportation of persons	51,742	43,322	42,386	(946)
22 Transportation of property	8,778	14,081	13,351	(730)
23.1 GSA rent	153,889	181,948	187,732	5,784
23.2 Rental payments to others	21,205	21,819	24,038	2,219
23.3 Communications, utilities and miscellaneous charges	64,819	73,327	86,288	10,961
24 Property and equipment	2,545	2,545	2,545	-
25.1 Advisory and assistance services	173	3,869	4,846	1,977
25.2 Other services	231,423	271,385	217,573	(53,812)
25.5 Research and development contracts	14,943	13,208	4,864	(8,344)
25.7 Operation/maintenance of equipment	14,576	17,175	17,068	(107)
30 Supplies and materials	230,575	347,791	275,491	(72,300)
31 Equipment	5,953	8,854	1,422	(4,432)
32 Land and structures	361	490	490	-
42 Insurance claims and indemnities				
91 Unvouchered				
Total obligations	24,266	\$2,308,602	\$2,717,457	1,476
Unobligated balance, start of year				
Unobligated balance, expiring	(280,000)	(173,369)	(941)	
Unobligated balance, transfer	(22,000)	26,000		
Unobligated balance, end of year	1,155,368	841	1,183	
Total requirements		2,311,000	2,714,000	
Relation of obligation to Outlays				
Total obligations	2,308,602	2,717,457	2,713,748	
Outlays	(450,000)	(1,033,000)	(383,000)	
Obligated balance, start of year	2,218,602	2,134,457	2,483,748	

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**Federal Bureau of Investigation
Status of Construction and Summary of New Facilities Requirements
Salaries and Expenses
(Dollars in thousands)**

Project	Fiscal Year	Funds Status		Total Current Cost Estimate or Actual	Oblig to Date	Status as of January 1997	Estimated Activation Date
		Construction	Amount				
I: Expansion of Existing Facilities							
Renovation of Headquarters	1996		\$2 430 *	\$12 930	\$2 430	Architectural & Engineering (A&E) contract awarded 2/96. A&E completed 10/96. Contract for final construction documents awarded 1/96. Final construction project to be completed 11/97.	6/02
	1997		\$0				
	1998		\$10 500				
II: New Facilities							
Fingerprint Identification Facility in WVA	1990		\$172 499	\$203 130 **	\$211 385	Construction 98% complete. partial occupancy since 4/95. Cosmetic alterations and furniture purchases remain.	8/95
	1991		12 259				
	1992		10 248				
	1993		8 124				
FBI Academy Tactical Emergency Vehicle Operations Center (TEVOC)	1993		\$3 750	\$5 948 ***	\$5 948	Track now available for training exercises. construction of garage underway.	6/97
	1995		1 273				
	1996		925				

* Additional funding of \$10 500 000 provided in 1998 Construction account

** Includes \$169 000 000 from the 1990 One Emergency Supplemental Appropriations Act and the remaining funding is derived from base level and fingerprint identification user fees

*** Retained \$3 750 000 through the 1992 Assets Forefeiture Fund Super Surplus remaining funding reallocated from base

Federal Bureau of Investigation
Salaries and Expenses
Schedule of Motor Vehicles

Method of Acquisition and Type of Vehicle	EOY Inventory	1996			1997			1998			Average Cost	End-of- Year	1999			Average Cost	End-of- Year
		Acquired	Disposed	End-of- Year	Acquired	Disposed	End-of- Year	Acquired	Disposed	End-of- Year			Acquired	Disposed	End-of- Year		
Method of Acquisition and Type of Vehicle																	
Direct Purchase:																	
Limousine	1																
Large sedan	2,325	184	250	2,259	300	300	2,259	350	400	2,200	\$ 17,000	400	400	2,200			
Midsize sedan	5,136	912	525	5,523	940	800	5,863	1,100	900	5,863		900	800	5,863			
Compact sedan	1,040	101	50	1,091	300	125	1,268	300	325	1,241		325	325	1,241			
Subcompact sedan	66	23	24	66	50	25	91	60	55	98		55	55	98			
Station wagon	477	120	40	512	25	30	91	50	50	91		50	50	91			
Van	4,825	170	40	512	65	43	534	115	100	549		100	100	549			
Ambulance	2																
Bus	1																
Trucks	98	40	30	106	40	30	116	70	50	136		50	50	136			
2-wheel drive	635	282	230	687	425	225	887	400	370	917		370	370	917			
4-wheel drive	55	13	68	68	10	5	73	30	20	83		20	20	83			
Other	9,886	1,676	1,150	10,411	2,158	1,583	10,983	2,478	2,270	11,188		2,270	2,270	11,188			
Subtotal, purchased																	
Leased:																	
Large sedan	30	15	15	30	15	15	30	15	15	30		15	15	30			
Midsize sedan	220	15	15	220	15	15	220	15	15	220		15	15	220			
Compact sedan	45	15	15	45	15	15	45	15	15	45		15	15	45			
Subcompact sedan	15	15	15	15	15	15	15	15	15	15		15	15	15			
Station wagon	45	15	15	45	15	15	45	15	15	45		15	15	45			
Van	45	15	15	45	15	15	45	15	15	45		15	15	45			
Special Purpose	45	15	15	45	15	15	45	15	15	45		15	15	45			
4-wheel drive	45	15	15	45	15	15	45	15	15	45		15	15	45			
Trucks	40	15	15	40	15	15	40	15	15	40		15	15	40			
Pickup	10	5	5	10	5	5	10	5	5	10		5	5	10			
Other	800	100	100	800	100	100	800	100	100	800		100	100	800			
Subtotal, leased																	
Seized or no cost excess:																	
Limousine	7																
Large sedan	156	35	20	171	40	20	191	40	20	211		20	20	211			
Midsize sedan	478	60	30	506	70	20	556	70	20	606		20	20	606			
Compact sedan	122	10	10	122	10	10	122	10	10	122		10	10	122			
Subcompact sedan	34	5	5	34	5	5	34	5	5	34		5	5	34			
Station wagon	15	5	5	15	5	5	15	5	5	15		5	5	15			
Van	134	10	10	134	15	10	139	15	10	144		10	10	144			
Bus																	
Trucks	122	10	5	127	15	10	132	15	10	137		10	10	137			
2-wheel drive	333	30	10	353	30	15	368	30	15	383		15	15	383			
4-wheel drive	138	10	5	143	10	5	148	10	5	153		5	5	153			
Other	1,837	178	100	1,812	200	100	1,712	200	100	1,812		100	100	1,812			
Subtotal, seized																	
Total Vehicles	11,823	1,980	1,380	12,822	2,488	1,783	13,195	2,778	2,470	13,888		2,470	2,470	13,888			

Federal Bureau of Investigation
Salaries and Expenses
Schedule of Aircraft

Type of Aircraft (Passenger capacity)	1985 End-of-Year Inventory	1986			1987			1988		
		Acquired	Disposed	End-of-Year	Acquired	Disposed	End-of-Year	Acquired	Disposed	End-of-Year
Direct Purchase										
Fixed Wing										
Single engine (4)	66	5 ⁽¹⁾		71	3 ⁽³⁾		74	2 ⁽³⁾		76
Two engine (6)	2			2	1 ⁽³⁾		3	1 ⁽³⁾		4
Turbo prop (6)										
Helicopter	3			3			3			3
Single engine (2)										
Subtotal, purchased	71	5		76	4		80	3		83
Seized or No Cost Excess										
Fixed Wing										
Single engine (4)	7		1 ⁽²⁾	6 ⁽²⁾		1	5			5
Two engine (6)	7		6	1			1			1
Turbo prop (6)	7			7			7			7
Jet engine (6)	1			1		1 ⁽⁴⁾				
Helicopter										
Single engine (2 & 8)	8	8	3	13		7	8			6
Subtotal, seized excess	30	8	10	28		9	19			19
Total Aircraft	101	13	10	104	4	9	99	3		102

(1) Purchased with sale proceeds with GSA approval

(2) GSA authorized sale

(3) Based on available base funding

(4) End of useful life

Federal Bureau of Investigation
Salaries and Expenses
Justification of Appropriation Program Changes
(Dollars in thousands)

Budget Activity/Program	La Cosa Nostra			Southwest Border			Technology Crimes			Int'l Law Enforcement			Infrastructure			Total Initiatives		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
Organized Criminal Enterprises	47	24	\$5,000	104	52	\$13,150	56	28	\$5,945	40	20	\$16,876				191	96	\$35,026
White-Collar Crime				34	17	3,587										90	45	9,512
Other Field Programs																		
Training, Recruitment, and Applicant																		
Forensic Services																		
Information Management, Automation																		
and Telecommunications																		
Technical Field Support and Services																		
Criminal Justice Services																		
Management and Administration																		
Total	47	24	\$5,000	138	69	\$16,737	56	28	\$5,945	40	20	\$16,876	239	120	\$11,394	239	120	11,394
													239	120	\$11,394	520	261	\$56,932

**Department of Justice
Federal Bureau of Investigation
Construction
Estimates for Fiscal Year 1998
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**Federal Bureau of Investigation
Construction
Summary Statement
Fiscal Year 1998**

The President's 1998 budget proposes a Construction appropriation that requires \$49,006,000 to continue on-going projects, principally the relocation of the FBI Laboratory and necessary maintenance and upgrades for FBI Academy, and to initiate two new renovation projects involving FBI Headquarters and the Los Angeles Field Office.

Forensic Services

FBI Laboratory facility. The FBI has undertaken an initiative to relocate the FBI Laboratory from its present space in the FBI Headquarters Building in Washington, D.C., to a new, stand-alone facility. Relocation is necessary due to safety, health, and environmental concerns of operating the current laboratory in a densely populated office building and operational needs relating to new forensic examination techniques and technologies. In June 1996, the FBI selected a 28-acre site for the new laboratory facility on vacant space available at the FBI Academy in Quantico, Virginia. In September 1996, the FBI awarded an architectural and design contract to the firm of Hellmuth, Obata, and Kassabaum, following a competitive process.

The FBI's revised estimated construction cost for the new facility is \$130,000,000. This estimate represents a decrease from the earlier estimate of \$150,200,000. The current cost estimate reflects construction assumptions that are specific to the 28-acre site selected for the new FBI Laboratory facility. The current design concept for the facility is for a multi-building complex consisting of: (1) a main office and forensics laboratory building; (2) a multi-level parking garage; and (3) a stand-alone central utilities plant. The FBI anticipates beginning site preparation activities in September 1997. Site preparation activities include site clearing, site grading, and utility installations. Funding totaling \$97,441,000 has been provided to date for architectural and engineering services, site preparation, and initial construction. For 1998, the President's budget proposes \$32,559,000 to complete funding for the construction of the new facility. Under the current timeline for construction of the FBI Laboratory facility, the FBI plans to award a construction contract in Summer 1998, at which time all construction funding must be available.

Training, Recruiting, and Applicant

FBI Academy necessary maintenance and upgrades. In 1996, the FBI began an initiative to perform necessary maintenance and upgrades to the facilities of the FBI Academy located in Quantico, Virginia. The FBI Academy, which began

operations at Quantico in 1972, is used to train FBI and Drug Enforcement Administration (DEA) agents, State and local law enforcement officers, and other criminal justice personnel. Also located at the FBI Academy are the Critical Incident Response Group and the Engineering Research Facility. The existing FBI Academy campus includes: classrooms, offices, and dormitory buildings; indoor and outdoor firearms ranges; a practical problems training center; a tactical and emergency vehicle operators course; library; dining hall; and warehouse, service, and support facilities. Among the recurring maintenance and upgrade projects needed are: replacement and retrofit of air conditioning chillers, exterior masonry waterproofing, asphalt repairs, security fencing and surveillance, and compliance with the Americans with Disabilities Act. Aggressive hiring and new agent training efforts by the FBI and DEA are placing a significant stress on facilities. Consequently, funding is necessary to maintain and upgrade existing training facilities and capabilities at the FBI Academy. Funding totaling \$1,287,000 is proposed in the President's 1998 budget to continue addressing recurring maintenance and upgrades that are necessary for FBI Academy structures. This funding level, the same as appropriated in 1997, will ensure the FBI Academy provides a safe and modern educational environment.

Management and Administration

Renovation of FBI Headquarters Building. The on-going relocation of the Criminal Justice Information Services Division to Clarksburg, West Virginia, and the planned relocation of the Laboratory Division to Quantico, Virginia, will necessitate the renovation of approximately 405,880 square feet of space in the FBI Headquarters Building vacated by these components. A 1992 assessment by an architectural and engineering firm estimated the cost of this renovation effort at \$26,400,000. The FBI has developed a multi-year plan that combines the renovation of the vacated space with the consolidation of Headquarters divisions and offices into contiguous space for more efficient operations. Additionally, the FBI would consolidate components currently located in leased commercial space back into the FBI Headquarters building. This proposal is consistent with the Vulnerability Assessment of Federal Facilities Study, conducted by the Department of Justice in the aftermath of the bombing of the Murrah Federal Office Building in Oklahoma City, which recommends that Federal law enforcement agencies not be located in rental space with non-Federal tenants whenever possible. The President's 1998 budget includes \$10,500,000 to implement the first phase of this multi-year plan.

Renovation and realignment of Los Angeles Field Office. The FBI's Los Angeles Field Office currently occupies space on several floors of the Federal Building in Los Angeles, California. An additional 40,000 square feet of space (two floors) are required to accommodate growth in the size of the agent and support workforce assigned to the Los Angeles Field Office and to provide enhanced security and technical capabilities. Total cost for the renovation and realignment project is \$9,460,000, of which the General Services Administration will provide \$4,800,000 for asbestos removal and standard alterations. Funding totaling \$4,660,000 is included in the President's 1998 budget for architectural and engineering design, construction administration, above standard build-out costs, and realignment of space.

**Federal Bureau of Investigation
Construction
Justification of Proposed Changes in Appropriations Language**

The 1998 budget estimates include proposed changes in the appropriations language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Construction

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; [~~\$41,639,000~~] \$49,006,000, to remain available until expended. (Department of Justice Appropriations Act, 1997.)

Explanation of changes

1. Includes funding totaling \$49,006,000, as follows: \$32,559,000 for construction of a new FBI Laboratory facility at the FBI Academy, Quantico, Virginia; \$10,500,000 for renovations and space realignment to the J. Edgar Hoover Building, Washington, D.C.; \$4,660,000 for renovations and space realignment to the Los Angeles field office; and \$1,287,000 to continue necessary maintenance and upgrades at the FBI Academy, Quantico, Virginia.

Federal Bureau of Investigation Construction Crosswalk of 1997 Changes (Dollars in thousands)												
Activity/Program	1997 President's Budget Request			Counterterrorism Amendment			1997 President's Budget Request as Amended			Congressional Action		
	Pos	WY	Amt.	Pos	WY	Amt.	Pos	WY	Amt.	Pos	WY	Amt.
1 Criminal Security and Other Investigations												
a Organized Criminal Enterprises												
b Violent Crime						\$2,000			(\$2,000)			
c Violent Crime						2,000			(2,000)			
d National Security												
Subtotal												
2 Law Enforcement Support												
a Training, Recruitment, and Applicant			\$1,287									1,287
b Forensic Services			43,889						(3,337)			40,552
c Information Management, Automation												
d Technical Field Support & Services												
e Criminal Justice Services												
Subtotal			45,176			45,176			(3,337)			41,839
3 Program Direction												
a Management and Administration			10,500			10,500			(10,500)			
Total			\$55,616			\$55,616			(\$16,037)			\$41,639
1997 Congressional Action												
The Laboratory Division received \$40,352,000 for construction of the new FBI Laboratory. This increase represented a reduction of \$3,337,000 from the amount requested for Lab construction. Additionally, the FBI received \$1,287,000 in base funding for maintenance of FBI Academy buildings in Quantico, Virginia. The Congress did not appropriate \$10,500,000 for renovation of space within the J. Edgar Hoover Building in Washington, DC.												
Counterterrorism Amendment												
Included \$2,000,000 for the Violent Crime Program for an architectural and engineering study of a proposed Critical Incident Response Group (CIRG) building, of which the request was not funded.												

Federal Bureau of Investigation
Construction
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:									
1987 Appropriation Excluded									
Non-recurrent, reduction L&C cost estimate									
1988 Base									
Program Changes (see Program Narrative for Details)									
1988 Estimate									
	Perm. Pos.		WY	Amount					
				41,639					
				(7,793)					
				33,846					
				15,160					
				\$49,008					
Estimates by budget activity									
Direct									
1. Criminal, Security, and Other Investigations									
2. Law Enforcement Support									
3. Program Direction									
Total									
	Perm. Pos.		WY	Amount					
				\$41,639					
				\$33,846					
				15,160					
				\$49,008					
				\$15,160					

Federal Bureau of Investigation Construction Summary of Resources by Program (Values in thousands)																		
	1986 at Enacted			1986 Actuals			1987 Appropriation Enacted			1988 Base			1988 Request			Increase/Decrease		
	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount
Estimates by Program																		
Criminal Security and Other																		
Investigation																		
Organized Criminal Enterprises																		
White Collar Crime																		
Identify Criminals																		
National Security																		
Subtotal			58 899			54 498			4 406									
Law Enforcement Support																		
Training, Recruitment, Applicant																		
Investigation Support			30 465			51 795			1 287			1 287			1 287			
Information Management, Automation			57 080			1 306			40 252			32 506			32 506			
and Telecommunications																		
Technical Field Support & Services																		
Criminal Justice Services																		
Subtotal			87 545			3 092			41 539			32 846			32 846			
Program Division																		
Management and Administration																		
TOTAL			\$97 574			\$7 592			\$41 539			\$32 846			\$2 160			\$15 160
Direct Total																		
Other Workyears																		
Holiday																		
Overline																		
LEAP																		
Other																		
Total Compensable Direct Workyears																		
Reimbursable Total																		
Other Workyears																		
Holiday																		
Overline																		
LEAP																		
Other																		
Total compensable Reimbursable Workyears																		
Direct and Reimbursable Workyears																		
Total Compensable Workyears																		

**Federal Bureau of Investigation
Construction
Justification of Program and Performance**
(Dollars in thousands)

	Perm Pos.	F/L	Amount
Forensic Services			
1997 Appropriation Anticipated			\$40,352
1998 Base			32,559
1998 Estimate			32,559
1998 Increase/Decrease			

BASE LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: The successful investigation and prosecution of crimes require, in most cases, the collection, examination, and scientific analysis of evidence recovered at the scene of the incident or obtained during the course of the investigation. Oftentimes, the availability and presentation of physical evidence is used in court to demonstrate the guilt, either directly or circumstantially, of the person on trial. The Forensic Services program supports the operations of the FBI Laboratory, which is one of the largest and most comprehensive crime laboratories in the world and which is the only full-service Federal forensic laboratory. The FBI Laboratory performs examinations of evidence for all duly constituted law enforcement agencies -- Federal, State, and local -- in the United States.

During 1996, FBI Laboratory examiners and technicians conducted 696,543 examinations of evidentiary items submitted. Additionally, 2,184,998 latent fingerprint comparisons were performed. FBI Laboratory personnel also provide training to other law enforcement and crime laboratory personnel at the FBI Academy in Quantico, Virginia, at regional and local training sites, and at the Hazardous Devices School in Redstone, Alabama. During 1996, the FBI trained approximately 3,300 students in basic and advanced forensic science topics. Additionally, the forensic research and development program focuses on the development and implementation of improved and new examination techniques and forensic technologies. For example, the FBI Laboratory is a leader in the forensic application of DNA identification technology.

The ability of the FBI to continue to provide forensic examination services to Federal, State, and local law enforcement and criminal justice personnel requires an adequate facility where examinations and services can be performed. Presently, the FBI Laboratory is situated in the FBI Headquarters Building in Washington, D.C. However, the Forensic Science Research and Training Center is located on the campus of the FBI Academy, Quantico, Virginia. The existing location of the FBI Laboratory suffers from severe space limitations, safety and health risks, and inadequate utility and environmental support. For example:

- Space constraints at FBI Headquarters preclude expansion of the existing laboratory to accommodate necessary examination facilities, storage capacity, and integration of advanced forensic science services and techniques. Space constraints also preclude the flexibility needed to configure laboratory functions and operations to promote the most effective use of space, movement of evidence through the laboratory, and ready access of examiners and technicians to evidence lockers and reference files.

- Examinations involving potentially infectious biological specimens present heightened opportunity for exposure of FBI Laboratory staff, other FBI Headquarters personnel, and visitors to diseases, such as hepatitis, tuberculosis, HIV, and venereal diseases.
- Utility and environmental capacities at the FBI Headquarters building are not able to satisfy special air conditioning and power requirements of the FBI Laboratory. For example, difficulties in meeting equipment cooling needs have occurred. Although the FBI has installed large water-cooled units to meet temporary requirements, these units take up space needed for examination services and provide no capacity for meeting future environmental needs.
- Similarly, ventilation and exhaust systems are inadequate. Many evidentiary items examined are in a putrefied condition that require their processing under exhaust hoods vented to the outside. In addition, noxious and/or highly volatile chemicals and industrial-type solvents used in processing evidence or in other laboratory operations also require special ventilated hoods or processing areas. Recent safety inspections by the National Institute of Safety and Health and the General Services Administration have identified inadequacies in exhaust and ventilation systems which are either difficult or impossible to remedy in the existing building.

In recognition of the inadequacies of the present FBI Laboratory facility within the FBI Headquarters building, the Administration endorsed the FBI's proposal to construct a new state-of-the-art, stand-alone FBI Laboratory facility. The current estimated cost for constructing a new FBI Laboratory facility is \$130,000,000. The FBI has revised this cost estimate to reflect current plans for the facility, including the construction of a laboratory, parking garage, and a power plant. To date, the FBI has received \$97,441,000, including \$57,089,000 in 1996 and \$40,352,000 in 1997. Base-level funding of \$32,559,000 is required in 1998 to complete project funding requirements for the facility. The FBI anticipates issuing a construction solicitation in April 1998, at which time all construction funding must be available.

FUNDING PROFILE - FBI LABORATORY FACILITY (Dollars in millions)					
Funding Requirements	Cost Estimate	FY 1996 Funding	FY 1997 Funding	Funding to Date	Total Funding
Site Acquisition/Preparation	\$11.0	\$11.0	0.0	\$11.0	0.0
AdE	16.0	16.0	0.0	16.0	16.0
Construction	103.0	30.089	\$40.352	70.441	\$32.559
Total	\$130.0	\$57.089	\$40.352	\$97.441	\$130.0

* The Senate Appropriations Committee report 104-353 directs the Administration to request the full funding required for construction in 1998.

TIMELINE

In accordance with House and Senate Appropriations Committee report instructions, the FBI developed and provided to Congress a revised *Construction Report and Timeline* in December 1996. Within this report, the FBI advised that the most definite timeline and cost information will be made available upon completion of final construction documents in the Winter of 1997/1998. The FBI has updated its initial timeline for construction of the new FBI Laboratory facility as follows:

**PLANNING TIMELINE FOR CONSTRUCTION
OF NEW FBI LABORATORY**

Milestones/Activity	Plan as	Status
<i>Project funding approval</i>	6/11/96	<i>Completed</i>
<i>A&E announcement</i>	1/96	<i>Completed</i>
<i>A&E statement of work completed</i>	2/96	<i>Completed</i>
<i>Site selection approvals</i>	5/96	<i>Completed</i>
<i>A&E selection completed</i>	6/96	<i>Completed</i>
<i>Environmental review begins</i>	9/96	<i>Completed</i>
<i>Programming review begins</i>	10/96	<i>In progress</i>
<i>Environmental review completed</i>	12/96	<i>In progress</i>
<i>Design concept</i>	2/97	<i>Completed</i>
<i>Construction documents begins</i>	3/97	
<i>Construction solicitation release (First Phase)</i>	Spring/Summer '97	
<i>Final construction documents</i>	Summer '97	
<i>Construction</i>	1/98	
<i>Phased occupancy</i>	Summer '97 - Spring/Summer '00	
	Summer/Fall '00	

SITE SELECTION

The FBI has selected a 28-acre site at the FBI Academy in Quantico, Virginia, as the site for the new FBI Laboratory facility. Site selection was completed in June 1996, following

the evaluation of several potential parcels of land at the FBI Academy. These evaluations were conducted by the architectural and engineering firm of Einhorn, Yaffee, and Prescott. In addition to providing data used to support site selection, these evaluations also yielded geotechnical data that was made available to the facility architectural and engineering firm. This data will be used to complete design concept development and construction documents.

ARCHITECTURAL AND ENGINEERING

In September 1996, the FBI awarded an architectural and design contract to the firm of Hellmuth, Obata, and Kassabaum (HOK), following a competitive process. HOK is presently performing programming studies of the FBI Laboratory. Programming studies will determine the amount and type of space required to support each of the various units and functions of the FBI Laboratory. Upon review of the programming studies by the FBI, HOK will proceed to developing a design concept for the new FBI Laboratory facility. The design concept will bring together the programming requirements and the specific site into an overall building design concept. The FBI anticipates completion of the design concept phase by March 1997.

FBI CONSTRUCTION MANAGEMENT TEAM

The FBI recently selected a Project Manager/Chief Engineer for the FBI Laboratory project. This individual most recently served in the same capacity for the construction of the FBI's Criminal Justice Information Services (CJIS) facility in Clarksburg, West Virginia. This latter project, which cost approximately \$200,000,000, included the planning and construction of the main office complex and computer center, a service center, a day care center, and related infrastructure.

The newly designated Project Manager is in the process of selecting a Construction Management Team, initially consisting of four other positions, including a mechanical engineer, analysts, and support staff to track schedules, monitor construction quality, administer change orders, execute budget and financial transactions, and perform related tasks associated with this multi-year project. This management approach is patterned after the team that was established to oversee the CJIS facility in West Virginia.

DESIGN CONCEPT

The current design concept for the FBI Laboratory facility is for a multi-building complex consisting of: (1) a main office and forensics laboratory building; (2) a multi-level parking garage; and (3) a stand-alone central utilities plant.

Main office and forensics laboratory building. The main office and forensics laboratory building will have approximately 427,400 square feet of space which will house the existing staff of approximately 700 Laboratory Division employees. Additionally, the design and location of the main office and forensics laboratory building will be situated in a position that will allow for, if necessary, future expansion and renovations.

The main building will also include a cafeteria and 500-seat auditorium. The existing dining facilities at the FBI Academy are operating at capacity and can not accommodate the

FBI Laboratory staff. The 500-seat auditorium will provide a facility for forensic symposia and conferences, as well as FBI Laboratory employee conferences. The FBI Laboratory sponsors six forensic symposia annually and attendees typically number 250-300 law enforcement personnel at each event.

Multi-level parking garage Construction of a 900-vehicle capacity parking garage is necessary to accommodate the current and future FBI Laboratory staff, visitors, and students attending forensic symposia and conferences. The existing parking facilities at the FBI Academy are already at capacity and are not sufficient to accommodate the additional demand that will result from the relocation of the FBI Laboratory to the FBI Academy campus. Further, the FBI Academy and Quantico Marine Corps Base are not served by public transportation. A multi-level structure is planned due to the 28-acre size of the site for the FBI Laboratory facility. Earlier plans based upon a 60-acre site assumed graded parking lots.

Central utilities plant The FBI intends to construct a stand-alone central utilities plant for the FBI Laboratory facility. This plant will support electrical and natural gas services required by the FBI Laboratory. The FBI is also considering interconnecting this plant with the central utilities plant that services the FBI Academy complex. This would provide emergency back-up capabilities that are presently lacking at the FBI Academy complex.

The relocation of the FBI Laboratory to the FBI Academy, Quantico, Virginia, will require infrastructure improvements to the United States Marine Corps Base. The FBI will be responsible for upgrading roads; providing natural gas; connecting and improving the water and sanitary systems; and improving the reliability of electrical services provided to the FBI Academy. On October 15, 1996, HOK began the vehicular analysis phase of the laboratory construction project.

Hazardous Materials Response Due to the extreme toxicity of chemical/biological/nuclear materials and the large population of the FBI Academy complex/Quantico Marine Corps Base, the FBI does not believe the new laboratory facility is an appropriate site in which to conduct forensic examinations of such agents. The FBI plans to task HOK to: (1) assess the requirements of the FBI to conduct these types of examinations; (2) inventory existing U. S. Government defense and non-defense laboratory facilities and capabilities; and (3) prepare general cost estimates for establishing a separate FBI chemical/biological/nuclear materials containment laboratory that could serve law enforcement and national security investigations. The FBI will work closely with the Department of Defense on this review. The current plans for the FBI Laboratory facility at the FBI Academy do not include the specialized capabilities to address these types of examinations. Costs associated with studying the establishment of a chemical/biological/nuclear materials containment facility will come from FY 1997 research and development enhancements provided for the Laboratory Division's Hazardous Materials Response Unit.

COST ESTIMATES

The current cost estimate for the new FBI Laboratory facility is \$130,000,000. This represents a decrease of \$20,200,000 from the earlier estimate of \$150,200,000. The change in cost projections can be attributed to further refinement of the assumptions upon which cost estimates are made.

The initial cost estimate of \$150,200,000 included the following major assumptions: (1) a 60-acre site (to be acquired or Government-owned); (2) collocation of the existing Forensic Science Research and Training Center at the new facility; (3) a single building design of 470,268 gross square feet; (4) capacity for 800 staff; (5) availability of nearby

hotels and motels for housing conference attendees and conducting large group meetings and symposia.

The current cost estimates reflect assumptions that are more specific to the 28-acre site at the FBI Academy complex. Specifically, the FSRTC will remain in its current building at the FBI Academy and not be collocated in the new facility. Moreover, the site will require changes in the approach to the building design, i.e., multi-level parking garage versus graded surface parking lot and a standalone central utilities plant versus utilities included in the main structure. The FBI will continue to lodge students attending training classes, conferences, and symposia at the FBI Academy; however, it plans to construct a 500-seat auditorium in the new facility so these sessions may be integrated into the laboratory environment.

LONG-RANGE GOAL: To construct a new, state-of-the-art, stand-alone, full-service forensic laboratory that will increase efficiency of FBI Laboratory services provided to users, provide a safe working environment for FBI employees, support the development and integration of new forensic technologies and techniques, and serve as a learning center to facilitate the training of forensic science and law enforcement personnel.

MAJOR OBJECTIVES:

- To complete construction of a new state-of-the-art, stand-alone, full-service forensic laboratory at the FBI Academy, Quantico, Virginia, by the Summer of 2000.
- To plan and achieve the orderly transition and relocation of FBI Laboratory services and staff to the new FBI Laboratory facility by June 2000.

PROGRAM INCREASES: No program increases are requested in 1998. Funding of \$32,559,000 is recurred in the base for construction of the laboratory facility.

Federal Bureau of Investigation
Construction
Justification of Program and Performance
(Dollars in thousands)

Training, Recruitment and Applicant	Perm. Pos.	FTE	Amount
1997 Appropriation Anticipated	\$1,287
1998 Base	1,287
1998 Estimate	1,287
Increase/Decrease

BASE LEVEL CAPABILITIES/ STRATEGIC ASSESSMENT: Crime continues to be a significant problem facing the United States. The issue of crime has permeated American culture; media reports of crime dominate the print and broadcast news media. The success of television shows such as "Cops" and "America's Most Wanted," in addition to the television news magazine shows such as "Dateline," demonstrate America's obsession with crime. This concern is not unwarranted. In the 1994 Uniform Crime Report, statistics show that a violent crime occurs every 17 seconds and a property crime every three seconds. Few Americans born today will be unaffected by crime during their lives.

Domestic violent crime and its financial impact place an overwhelming burden on most State and local police agencies. Moreover, the weakening or elimination of borders in many parts of the world and the growing availability of electronic forms of communication and commerce allow criminals significant degrees of domestic and international mobility. Social, political, religious and economic factors are generating changes that stretch the ability of the United States and foreign law enforcement agencies to respond to the crime problems generated by these developments. The FBI must take a leadership role in the development of knowledge and operational capabilities for law enforcement to attack these crime problems and develop programs to train our counterparts in these techniques.

Changing crime problems, new law enforcement and investigative techniques, and increasing emphasis on practical problems require the FBI to have modern training facilities. In addition, census trends show growth of one percent per year in the U.S. population. Thus, the population will increase about 20 percent in the next 20 years. This trend can be expected to lead to comparable increased demands for law enforcement services from the public. Effective and efficient delivery of these services will require comprehensive basic and advanced training for law enforcement personnel, including employees of the FBI.

The FBI conducts its training programs at the FBI Academy in Quantico, Virginia, field offices and off-site locations, at local, State, and regional facilities throughout the Nation and at various international sites. At the FBI Academy, training is provided for FBI new agents, the FBI National Academy, and Drug Enforcement Administration (DEA) basic

agents. As capacity permits, the FBI also offers in-services/comprehensive FBI management training, and specialized schools, conferences, and symposia. In addition, the FBI administers the International Law Enforcement Academy in Budapest that began operations in April 1995.

The FBI Academy is located approximately 40 miles south of Washington, D.C., on approximately 400 acres amid the sprawling United States Marine Corps Base at Quantico, Virginia. The Academy's mission of training, research and operations is accomplished in 21 major buildings, housing not only the FBI's Training Division, but the Information Resources Division's Engineering Sections, the Laboratory Division's Forensic Science Research and Training Center, and the Critical Incident Response Group (CIRG). In addition, the Office of Training, Drug Enforcement Administration is located at the Academy. Approximately 1,200,000 gross square feet of floor space are enclosed and include office, classroom, laboratory, firearms, forensic, engineering research, library, auditorium, gymnasium, dormitory, dining and recreation space. Exterior facilities include a firearm training range, driver training track and recreation fields and facilities.

The FBI Academy's primary complex of buildings was completed in 1972, 24 years ago. The Firearms Range predates the Academy and became operational 40 - 50 years ago. Facilities are becoming outdated and in need of repair, maintenance and modernization. Due to expanded needs of the FBI, DEA and mandated Priority Law Enforcement Training (PLET), facilities need expansion and improvement to bring state-of-the-art training capabilities to the FBI Academy. Currently the FBI is unable to satisfy more than 25 percent of the needs for training.

The capacity of the FBI Academy is set at approximately 203,500 Student Training Days (STDs) made up of FBI, DEA, National Academy Program, in-services for FBI personnel and other PLET and special events participants. The primary training categories (FBI New Agents, National Academy, and DEA Entry Level) will occupy 80 percent of the lodging capacity in 1998. Because of Academy capacity limitations and the emphasis on new agent training, most priority in-service training must be done regionally in 1997 and 1998.

In 1995, the FBI Academy developed a five-year \$165,000,000 plan for Necessary Improvements and Maintenance and Capital Improvements and Expansion of Facilities. This plan would provide for a Multi-Purpose Building to increase dormitory capacity, classrooms, and offices; expand and modernize the Firearms Range and Firearms Range Training Center Building; renovate and expand the Dining Hall/Kitchen; expand the Gymnasium and provide additional equipment; increase the library capacity and provide computer study carrels; and expand Hogan's Alley, the practical applications training area. Additionally, the plan provided for necessary maintenance and improvement to existing facilities, the updating and revision of the Academy Master Plan, and program management and construction contract management to oversee design and construction activities.

In FY 1996, the FBI received \$16.85 million to begin the modernization of the existing outdoor firearms ranges. The FBI published an announcement in the Commerce Business Daily on August 23, 1996, to solicit responses for a construction firm. The modernization of the outdoor ranges will include the removal of lead from the existing berms, the construction of a DOD-approved ammunition storage facility, and the relocation of the existing ranges.

The FBI also received \$4.5 million in 1996 for the completion of the Tactical Firearms Training Center (TFTC) and \$9.15 million for necessary maintenance and improvements at the Academy. The contract for the construction of the TFTC was awarded on July 17, 1996, and is proceeding. The necessary maintenance funds have been used to re-roof six

buildings in the Academy complex and to complete the construction of the garage for the Tactical Emergency Vehicles Operations Center (TEVOC). Plans are progressing to waterproof the exterior masonry, repair asphalt, and install security fencing at the Academy. These funds have also been used to fund an assessment of the Academy's compliance with the American with Disabilities Act in order to plan for the construction and alterations needed throughout the Academy complex. The funding recurred in the base is being used to continue to reduce the backlog of repairs and necessary maintenance needed throughout the facility.

LONG RANGE GOAL: To provide law enforcement with the most up-to-date facilities from which to learn their skills and knowledge necessary to perform investigative and management functions.

MAJOR OBJECTIVES:

To complete modernization of the firearms training facilities.

To continue to complete necessary maintenance and improvement projects at base-level funding permits.

PROGRAM INCREASES: No program increases are proposed for 1998.

**Federal Bureau of Investigation
Construction
Justification of Program and Performance
(Dollars in thousands)**

Management and Administration	Perm Pos.	FTE	Amount
1997 Appropriation Anticipated		
1998 Base	
1998 Estimate		..	\$15,160
1998 Increase/Decrease		..	\$15,160

BASE-LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: The Management and Administration decision unit includes resources for the acquisition, alteration, and lease of space provided by the General Services Administration (GSA), including FBI Headquarters, 56 Field Offices, and approximately 400 resident agencies. Base funding in the Salaries and Expenses appropriations is used to perform routine renovations and alterations for this space. However, base level funding is not adequate to address major renovation efforts, and project-specific funding is required. For 1998, funding is required for two projects: (1) renovation and realignment of the Los Angeles Field Office, and (2) renovation of the FBI Headquarters Building.

The FBI has initiated a very aggressive hiring plan to staff up to its authorized position level to address increasing criminal and terrorist acts. International expansion of FBI focus on counterterrorism has placed increasing demands to ensure appropriate security measures through renovation/realignment of existing space as well as new space obtained for task forces and storage areas in order to comply with the Department of Justice's Vulnerability Assessment of Federal Facilities Study. The FBI currently spends approximately \$4,000,000 annually to lease commercial space for multiple FBIHQ components. Consolidation of these entities back into the JEH FBI Building would free up these funds to pay GSA rent charges currently covered by the user fee programs of the CJIS Division. However, the increasing Headquarters staff could impact the number of FBIHQ rental agreements that can be eliminated. GSA rent charges previously paid by CJIS Division user fees that are in excess of savings on commercial rent would have to be paid by direct appropriations.

To ensure a secure/healthy working environment for FBI employees to support investigative activities, the FBI has initiated a major renovation project for the Los Angeles Field Office (LAFO). An additional 40,000 square feet of expansion space are required for the LAFO. In addition to the FBI's request for the LAFO, GSA must provide \$4,800,000 to cover asbestos removal and standard alterations.

LONG-RANGE GOAL(S): To support the FBI's investigative mission by implementing a construction/renovation project for expansion of the LAFO, and to renovate and reprogram space within the JEH Building vacated by the relocation of the CJIS and Laboratory Divisions

MAJOR OBJECTIVES:

- To coordinate with the GSA the acquisition, renovation and realignment of 40,000 square feet of space for the LAFO ensuring security/technical enhancements
- Through a contract with an architectural and engineering firm, obtain updated site surveys, programming, tentative design and budget estimates for renovation of 405,880 square feet of vacated space within the FBIHQ Building
- Following procurement guidelines, ensure that construction documents are ready for competition by early fiscal year 1998
- Award contract(s) for renovation of the space vacated by relocation of the CJIS Division
- Coordinate with the GSA the upgrading of the electrical, heating, ventilation and air conditioning systems of the JEH FBI Building
- Coordinate realignment of renovated space and subsequent transfer of outside entities back into FBIHQ

PROGRAM INCREASES: For 1998, the Management and Administration (M&A) decision unit (Facilities Management and Security Section) is requesting a total of \$15,160,000 in Construction funding for the renovation/realignment of the LAFO (\$4,660,000) within the Federal Building and the JEH FBI Building (\$10,500,000)

Initiative: Management Infrastructure

Item: Renovation/Realignment Funding for the LAFO

A total of \$4,660,000 is requested for renovation/realignment of the LAFO within the Federal Building. The LAFO currently occupies floors 14 through 17, and a portion of the 9th floor within the building. Each floor comprises approximately 20,000 square feet of space. An additional 40,000 square feet of space (floors 12 and 13) is being obtained by the FBI to accommodate the special agent and support personnel increases for white-collar crime, violent crimes, organized criminal enterprises, and health care fraud investigations. Additional security/technical modifications will also have to occur in the LAFO in order to comply with the Department of Justice's Vulnerability Assessment of Federal Facilities Study.

In accordance with established government policies, the GSA is responsible for funding the removal of all asbestos from the building and the initial standard alterations to allow the FBI to acquire the additional 40,000 square feet of space. The FBI is solely responsible for renovation costs associated with the realignment of the existing space on floors 14

through 17. No changes are planned for the 9th floor, other than securing the perimeter walls, which would result in minimal costs. The funding requested for the FBI (\$4,660,000) would be used for the following: \$1,200,000 for renovation/realignment of 40,000 square feet of space on the 14th and 15th floors, \$2,600,000 for realignment of 40,000 square feet of space on the 16th and 17th floors which includes mechanical, electrical and above-standard build out for FBI technical and computer facilities, and \$860,000 for architectural and engineering design and limited construction administration which is 10 percent of the estimated construction costs and in conformance with standard construction practices. To complete the project, GSA must provide \$3,600,000 for asbestos removal from 120,000 square feet of space and \$1,200,000 for the initial standard alterations to 40,000 square feet of expansion space.

Initiative: Management Infrastructure

Item: Renovation/Realignment for JEH FBI Building

The FBI has initiated two separate projects to relocate the CJIS and Laboratory Divisions from the JEH FBI Building to new, stand alone facilities. Relocations of the CJIS Division to West Virginia and the Laboratory Division to Quantico, Virginia, require renovation of 405,880 square feet of space in the JEH FBI Building that these components will vacate. The FBI plans a phased, multi-year effort for renovation/realignment of the vacated space. Renovation of the CJIS Division space will begin in 1998 and continue through 1999. Renovation of the Laboratory Division is expected to begin in year 2000 and completed by 2002. A 1992 architectural and engineering study by Smith, Hinchman and Grylls (SH&G) Associates, Inc., estimated that a total of \$26,400,000 (based on 1996 dollars) would be required to renovate 405,880 square feet of space. This estimate was based upon an industry-wide standard of \$65 per square foot for office-to-office renovation cost. The FBI requires \$10,500,000 in 1998 for the first phase of the JEH Building renovation and realignment.

On February 2, 1996, the FBI awarded a \$530,000 contract to Daniel, Mann, Johnson, and Mendenhall (DMJM) to perform the first phase of the architectural and engineering programming study. This study provided a master plan to be used as a guideline to backfill/realign space within the JEH FBI Building. In September 1996, the FBI awarded a \$1,900,000 contract to DMJM for preparation of final construction documents and budget estimates. The construction documents are anticipated to be ready for competition in October/November 1997. The funding used to initiate this project was made available from 1996 base funding of the Salaries and Expenses appropriations by delaying other renovation efforts.

The CJIS Division began a phased relocation effort in 1991. Construction of the new facility in Clarksburg, West Virginia was completed in late 1995, and the relocation effort was escalated during 1995/1996. Most of its work functions and the fingerprint files have now been relocated, leaving large open area for the majority of the vacated space. As of January 1997, 440 CJIS Division employees remained at FBIHQ, of which 300 would be subject to separation from the FBI's rolls at midnight September 30, 1997. The remaining 140 employees are currently assigned to the Integrated Automated Fingerprint Identification System (IAFIS) Program Office and the Office of Communication and Technology. It is anticipated that these CJIS Division entities would remain at FBIHQ through 1999 which is the projected date of completion for the IAFIS development effort.

The FBI plans to relocate FBIHQ components currently located in leased commercial space back into the JEH FBI Building. This proposal is consistent with the Vulnerability Assessment of Federal Facilities Study, conducted by the Department of Justice in the aftermath of the bombing of the Murrah Federal Office Building in Oklahoma City, which recommends that Federal law enforcement agencies not be located in rental space with non-Federal tenants whenever possible. In order to relocate entities that are currently housed

outside the JEH FBI Building back into the facility, it is necessary to create an office working environment. The FBI requires \$10,500,000 in 1998 to compete/award the contract to begin the construction/renovation for the CJIS Division space. The vacated space will be renovated/realigned to accommodate the planned consolidation and additional personnel for multiple FBIHQ programs, i.e., National Security, Applicant, White-Collar Crime, Organized Criminal Enterprises, Violent Crimes, etc. The specific space allocations will be reprogrammed upon completion of the renovation.

**Federal Bureau of Investigation
Construction
Financial Analysis - Program Changes
(Dollars in thousands)**

Item	Program Direction	
	Management & Administration	Program Increases
	Pos.	Amount
Grades		
GS-15
GS-14
GS-13
GS-12
GS-11
GS-9
GS-7
GS-5
Total positions and annual rate
Lapse (1)
Other personnel compensation
Total workyears and personnel compensation
Personnel benefits
Travel and transportation of persons
Transportation of things
GSA rent
Rental payments to others
Comm., utilities, and misc. charges
Printing and reproduction
Auditory and assistance services
Other services
Research and development contracts
Operations/maintenance of equipment
Supplies and materials
Equipment
Build and structures
Total program workyears and obligations changed, requested, 1998	..	\$15,190

**Federal Bureau of Investigation
Construction
Status of Congressionally Requested Studies, Reports, and Evaluations**

The Conference Committee Report accompanying the Omnibus Fiscal Year 1997 Appropriations Act (P.L. 104-208) directed the Department of Justice to review current design options and submit a construction plan with cost estimates and a timeline for completion of the project to the Committees on Appropriations by November 1, 1996. The report was submitted to Congress on December 27, 1996.

Federal Bureau of Investigation
Construction
1998 Priority Rankings

BASE PROGRAM		PROGRAM INCREASES	
Program Forensic Services	Ranking 1	Program Management and Administration	Ranking 1
Training, Recruitment, and Applicant	2		

Federal Bureau of Investigation
Construction
Summary of Change
(Dollars in thousands)

	Perm. Pos	WY	Amount
1987 Appropriation Anticipated	\$41,839
Adjustments to Base	41,839
Decreases:			
Nonrecrual of Laboratory Construction Funds	(7,793)
Total Decreases	(7,793)
1988 Base	33,846
Program Increases (See Program Narrative for Details)	15,160
1988 Estimate	\$49,006

Federal Bureau of Investigation
Justification of Adjustments to Base
Construction
(Dollars in thousands)

	Perm. Pos.	WY	Amount
Decreases:			
1. Nonrecrural of 1997 FBI Laboratory Construction funds.			
The estimated cost of the new FBI Laboratory is \$130,000,000. To date, the FBI has received \$97,441,000, including \$57,089,000 in 1996 and \$40,352,000 in 1997. Of the \$40,352,000 appropriated in 1997, a total of \$7,793,000 will not recur in the FBI's base funding. This leaves the FBI with \$32,559,000 in 1998 to complete projected funding requirements for the facility.			- \$7,793
Total, decreases			- \$7,793

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**Federal Bureau of Investigation
Construction
Summary of Requirements by Object Class
(figures in thousands)**

Object Class	1996 Actual \$'s	1997 Estimate \$'s	1998 Request \$'s	Increase/Decrease \$'s
11.1 Full-time personnel				
11.3 Other than full-time personnel				
11.5 Other personnel compensation				
Total				
Other Objects				
12 Personnel benefits				
13 Benefits to former personnel				
21 Travel and transportation of persons				
22 Transportation of things				
23.1 GSA lease				
23.2 Rental payments to others				
23.3 Communications utilities, miscellaneous charges				
24 Printing and reproduction				
25.1 Advisory & assistance services				
25.2 Other services	\$2,816	\$15,147	\$9,118	(\$6,030)
25.5 Research & development contracts				
25.7 Operation and maintenance of equipment				
26 Supplies and materials				
27 Equipment	4,176	9,098	131,294	(108,098)
31 Land & structures		21,000		21,000
42 Insurance claims and indemnities				
99 Unallocated	\$1,592	\$48,145	\$112,412	\$64,267
Total obligations				
Unobligated balance, start of year	90,000	(90,000)	(84,000)	
Unobligated balance, end of year	98,000	84,000	1,000	
Total requirements		42,145	49,412	
Rebate of obligation to Oulays				
Total obligations	7,592	48,145	132,412	
Obligated balance, start of year	(6,000)	6,000	46,000	
Obligated balance, end of year	(6,000)	(46,000)	(142,000)	
Oulays	1,592	8,145	36,412	

**Federal Bureau of Investigation
Construction
Status of Construction and Summary of New Facilities Requirements
(Dollars in thousands)**

Project	Funds Status			Status as of January 1997	Estimated Activation Date
	Fiscal Year	Amount	Total Funding	Stage of Program	
I Expansion of Existing Facilities					
Renovation of Headquarters	1998	\$10,500	\$12,930 *	Architectural & Engineering (A&E) contract awarded 2/96, A&E completed 10/96 Contract for final construction documents awarded 9/99. Final construction project to be completed 11/97	8/02
Renovation of Los Angeles Field Office	1998	\$4,660	\$9,460 **	Coordination in progress with GSA to obtain expansion space. Anticipated availability of 13th floor 1/97. Renovation contract award projected 10/97	9/99
FBI Academy Firearms Range Upgrades	1996	\$16,850	\$16,850	Selection of Architectural and Engineering (A&E) Studies firm underway. Environmental assessment and selection of A&E in progress. Expect design concept 7/97	12/98
FBI Command Center	1996	\$9,998	\$9,998	Concept of operations ending. Design Phase in progress	8/98
II New Facilities					
Hostage Rescue Team Tactical Firearms Facility	1994 1996	\$1,079 *** \$4,500	\$5,579	Contract awarded 9/96. Contractor mobilized and construction began 1/97	3/98
FBI Laboratory	1996 1997 1998	\$57,089 \$40,352 \$32,559	\$130,000	Site for construction selected at FBI Academy. A&E was awarded 9/96. Design and environmental review currently underway. Expect design concept by 3/97	8/00

* Initial funding of \$2,430,000 provided in 1996 Salaries and Expenses account
 ** Additional funding of \$4,800,000 expected from GSA
 *** Initial funding of \$1,079,000 provided in Salaries and Expenses account in 1994

Federal Bureau of Investigation
Construction
Justification of Multi-Activity Program Changes
(Dollars in thousands)

Budget Activity/Program	Construction		Total Initiatives	
	Pos.	Amount	Pos.	Amount
Organized Criminal Enterprises.....
White-Collar Crime.....
National Security.....
Violent Crimes.....
Training, Recruitment, and Applicant.....
Forensic Services.....
Information Management, Automation and Telecommunications.....
Technical Field Support and Services.....
Criminal Justice Services.....	..	\$15,160	..	\$15,160
Management and Administration.....
Total	..	\$15,160	..	\$15,160

**Department of Justice
Federal Bureau of Investigation
Telecommunications Carrier Compliance
Estimates for Fiscal Year 1998
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**Federal Bureau of Investigation
Telecommunications Carrier Compliance Fund
Summary Statement
Fiscal Year 1998**

The Communications Assistance for Law Enforcement Act (CALEA) (P.L. 103-414) clarified the responsibility of the telecommunication carriers to assist law enforcement agencies with the lawful interception of communications and the collection of call-identifying information in a rapidly changing telecommunications environment. This legislation was necessitated by the erosion of law enforcement interception abilities and the frustration of court orders for electronic surveillance as a result of the deployment of advanced telecommunications technologies. The FBI documented to Congress 183 cases where advanced telecommunications equipment had impaired or prevented execution of a wiretap court order. In just one locality alone, the FBI was unable to conduct, or was significantly delayed in conducting, 34 court-ordered interceptions over an 18-month period. To facilitate compliance with the provisions of the CALEA by telecommunications carriers, the Act authorized the appropriation of \$500,000,000 between 1995 and 1998 to pay for reasonable costs directly associated with the modifications performed by carriers in connection with equipment, facilities, and services to establish the necessary capabilities and capacities identified by law enforcement. The Attorney General delegated management and administrative responsibilities of the CALEA to the FBI.

The Omnibus Consolidated Appropriations Act of 1997 (P.L. 104-208) established the Department of Justice Telecommunications Carrier Compliance Fund for making payments to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services pursuant to Section 109 of the CALEA. Additionally, the Congress authorized any agency of the United States with law enforcement or intelligence responsibilities to deposit into the Fund any unobligated balances that are available until expended, consistent with Congressional notification requirements for reprogramming of funds.

The 1997 Appropriations Act also required the submission of an implementation plan for CALEA prior to the expenditure of funds. In January 1997, the FBI submitted a draft implementation plan to the Department of Justice for review prior to forwarding the document to Congress. The Conference Report (104-863) accompanying the 1997 Appropriations Act, specifies that the contents of the plan include: "(1) the law enforcement assistance capability requirements and an explanation of law enforcement's recommended interface; (2) the proposed actual and maximum capacity requirements for the number of simultaneous law enforcement communications intercepts, pen registers, and trap and trace devices that authorized law enforcement agencies may seek to conduct, set forth on a county-by-county basis for wireline services and on a market service area basis for wireless services, and the historical baseline of electronic surveillance activity upon which such capacity requirements are based; (3) a prioritized list of carrier equipment, facilities, and services deployed on or before January 1, 1995, to be modified by carriers at the request of law enforcement based on its

investigative needs; (4) a projected reimbursement plan that estimates the cost for the coming fiscal year and for each fiscal year thereafter, based upon the prioritization of law enforcement needs as outlined in (3), of modification by carriers of equipment, facilities, and services, installed on or before January 1, 1995." The implementation plan is undergoing Department review.

The FBI expects to begin entering into cooperative agreements with carriers, equipment manufacturers, and telecommunications service providers in the Spring of 1997 to initiate systems engineering efforts of priority telephone switching platforms and related intelligent network peripherals. It is anticipated that a minimum of \$100,000,000 will be available for these efforts in 1997, consisting of \$60,000,000 in direct appropriations and \$40,000,000 in funds to be made available from the Department's Working Capital Fund.

The President's 1998 budget proposes a direct appropriation of \$100,000,000 to the Fund for payments to telephone carriers, equipment manufacturers, and providers of telecommunications support services for costs incurred in complying with the C.A.L.E.A. This funding will be used to continue systems engineering activities involving priority telephone switching platforms and intelligent network peripherals and to initiate systems development activities involving priority telephone switching platforms.

**Federal Bureau of Investigation
Telecommunications Carrier Compliance Fund
Justification of Proposed Changes in Appropriations Language**

The 1998 budget estimates include proposed changes in the appropriations language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Telecommunications Carrier Compliance Fund

For necessary expenses, as determined by the Attorney General, [\$60,000,000] \$100,000,000, to remain available until expended, to be deposited in the Telecommunications Carrier Compliance Fund for making payments to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services [pursuant to section 110 of this Act: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount not previously designated by the President as an emergency requirement shall be available only to the extent an official budget request, for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress], as authorized by 47 U.S.C. 1009, as amended. (Department of Justice Appropriations Act, 1997.)

Further, for the foregoing purposes related to national security, \$50,000,000 for deposit in the Telecommunications Carrier Compliance Fund, to become available October 1, 1998, and remain available until expended.

Explanation of changes

1. Includes proposed funding level of \$100,000,000 for payments to telecommunications carriers, equipment manufacturers, and telecommunications support service providers.
2. Deletes emergency designation language not required for 1998 and inserts authorization cite.
3. Includes advance appropriations language for defense discretionary funding consistent with P.L. 99-145 which requires the President to submit a two-year budget proposal for the Department of Defense and related agencies, including those having multifunction appropriations with national defense components.

**Federal Bureau of Investigation
Telecommunications Carrier Compliance
Crosswalk of 1997 Changes
(Dollars in thousands)**

Activity/Program	1997 Request to Congress			Congressional Action			1997 Appropriation Anticipated		
	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amt
1. Criminal Security, and Other Investigations									
a. Organized Criminal Enterprises.....
b. White Collar Crime.....
c. Violent Crimes.....
d. National Security.....
Subtotal.....
2. Law Enforcement Support									
a. Training, Recruitment, and Applicant.....
b. Forensic Services.....
c. Information Management, Automation and Telecommunications.....
d. Technical Field Support & Services.....	\$100,000	..	..	(\$40,000)	..	..	\$60,000
e. Criminal Justice Services.....
Subtotal.....	100,000	..	..	(40,000)	..	..	60,000
3. Program Direction									
a. Management and Administration.....
Total	\$100,000	..	..	(\$40,000)	..	..	\$60,000

Congressional Action

The Congress reduced this request by \$40,000,000 and made available this same amount in reimbursable funding from the Department of Justice's Working Capital Fund in 1997.

**Federal Bureau of Investigation
Telecommunications Carrier Compliance
Summary of Requirements
(Dollars in thousands)**

Adjustments to Base				Perm Pos	WY	Amount					
1997 Appropriation Enacted											
1998 Base						80 000					
Program Changes (see Program Narrative for Details)						60 000					
1998 Estimate						40 000					
						\$100 000					
Estimates by budget activity											
Un-adj											
1997 Appropriation Anticipated				Perm Pos	WY	Amount	1998 Request		Increase/Decrease		
							Perm Pos	WY	Amount		
1 Criminal Security and Other Investigations											
2 Law Enforcement Support						\$60 000			\$100 000	\$40 000	
3 Program Direction											
Subtotal						\$60 000			\$100 000	\$40 000	
						\$60 000				\$40 000	

* The FBI will receive \$40 million from the Department of Justice Working Capital Fund during 1997

Federal Bureau of Investigation
Telecommunications Center Compliance
Summary of Resources by Program
(Dollars in thousands)

Federal Bureau of Investigation
Telecommunications Carrier Compliance
Justification of Program and Performance
(Dollars in thousands)

Technical Field Support and Services	Perm		Total	Amount
	Fos			
1997 Appropriation Anticipated				\$60,000
1998 Base				60,000
1998 Estimate				100,000
Increase/Decrease				\$40,000

BASE LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: Lawfully authorized electronic surveillance is one of the most valuable tools in America's arsenal for combating crime and terrorism. Such crimes present ever greater challenges in our society as the 21st Century approaches. Public safety is increasingly dependant upon law enforcement's ability to prevent violent acts and to investigate criminal activity. In an era of high-speed global communications, many of the groups engaged in the most serious and violent crimes conduct their illegal activities using the same communications systems which propel our society forward. Similarly, foreign intelligence services and their agents engage in espionage using these very systems.

Even though it is used sparingly, electronic surveillance is crucial to effective law enforcement. This vital investigative tool is used to penetrate closely controlled, highly sophisticated organizations which might otherwise engage in wholesale criminal activity with impunity. Evidence collected through electronic surveillance has resulted in the convictions of approximately 26,000 felons during the 14 year period ending in 1995. Recently, electronic surveillance provided critical clues leading to arrests in a deadly terrorist incident. Other evidence collected through the use of electronic surveillance gave law enforcement the time and evidence they needed to prevent still another terrorist act. Electronic surveillance evidence also proved critical in the investigation and prosecution of Aldrich Ames, one of the most serious espionage threats to national security in this or any other decade.

Law enforcement's ability to conduct electronic surveillance to protect both the public safety and national security is seriously threatened by rapid changes in telecommunications technology. Although today's communications networks are an important aid to law enforcement in fulfilling its mission, the continuous technological advances in telecommunications systems and the introduction of new digitally based services and features are making it increasingly difficult, if not impossible, for law enforcement to conduct court-ordered electronic surveillance. The loss of this investigative tool would be devastating to law enforcement in the fight against crime. In its efforts to evaluate the extent of this growing problem, the FBI documented 183 cases where advanced telecommunications equipment prevented or impaired execution of court orders. In a recent 18-month period, in one locality alone, the FBI was unable to conduct, or was significantly delayed in conducting, 34 court-ordered interceptions.

Recognizing the potential impact of emerging telecommunications technology on public safety and national security, Congress passed the Communications Assistance for Law Enforcement Act (CALEA) which the President signed into law October 25, 1994 (Public Law 103-414, 47 U.S.C. 1001-1010). Enacted to preserve law enforcement's ability, pursuant to a court order or other lawful authorization, CALEA clarifies the responsibilities of telecommunications carriers in the interception of communications for law enforcement. CALEA vests law enforcement's implementation responsibilities in the Attorney General, on behalf of all Federal, State, and local law enforcement agencies. The Attorney General has delegated these responsibilities to the FBI.

To facilitate implementation of CALEA, Congress authorized the appropriation of \$500,000,000 between Fiscal Years (FYs) 1995 and 1998 to pay for certain costs associated with CALEA compliance. These funds will be disbursed to telecommunications carriers and manufacturers based upon a prioritized spending plan which addresses the greatest technological problems facing law enforcement. At present, the FBI has identified 15 switching platforms (major switching systems) with their supporting intelligent network peripherals (INPs) in use by the telecommunications industry. However, historical interception activity shows that 18 (14 wireline and 4 cellular) of these switching platforms are associated with approximately 97% of interceptions conducted by law enforcement. Therefore, the FBI is focusing upon these 18 switching platforms for potential reimbursement. Currently, these 18 switching platforms are being further prioritized based upon a number of factors, including historical interception activity analyzed for the period between January 1993 and March 1995, extent of technical impediments to law enforcement, platform market share, manufacturer support for the platform, platform architecture, service provider market share, and potential for solution transfer to other platforms. Once such prioritization is complete, reimbursement for CALEA implementation efforts can begin. The following chart displays the prioritization factors utilized.

PRIORITIZATION FACTORS OF THE FOUR MAJOR STEPS RELATED TO IMPLEMENTATION PLANNING

EQUIPMENT PRIORITIES	SYSTEMS ENGINEERING PRIORITIES	ENGINEERING DEVELOPMENT PRIORITIES	SYSTEMS DEPLOYMENT PRIORITIES
Priorities based on: <ul style="list-style-type: none"> - Interception activity - Features offered - Existing surveillance techniques - Market share - Current - Projected - Product life cycle 	Priorities based on: <ul style="list-style-type: none"> - Priority equipment - Estimated costs - FY funding availability - Industry willingness to enter into cooperative agreements - Adaptation of existing solutions 	Priorities based on: <ul style="list-style-type: none"> - Systems engineering products - Extent to which requirements are met (cost/benefit) - Adaptation of existing features - Cost quotes for engineering development - Annual funding availability 	Priorities based on: <ul style="list-style-type: none"> - Engineering development products - County/market interception activity - Switch type - Equipment replacement plans - Existing surveillance techniques - Cost quotes for deployment - Annual funding availability

The following chart lists the 18 priority switching platforms in alphabetical order.

PRIORITY SWITCHING PLATFORMS
(IN ALPHABETICAL ORDER)

<i>WIRELINE PLATFORMS</i>	<i>CELLULAR PLATFORMS</i>
AGCS GTD-5	ERICSSON CMS-8800
ALCATEL E10/1210	LUCENT AUTOPLIX-1000
ERICSSON AXE	MOTOROLA EMX 2500
LUCENT 1AESS	NORTEL DMS-MTX
LUCENT 2BESS	
LUCENT 4ESS	
LUCENT 5ESS	
NEC NEAX-61	
NORTEL DMS10	
NORTEL DMS100	
NORTEL DMS100/200	
NORTEL DMS200	
SIEMENS DCO	
SIEMENS EWSD	

Subject to the availability of appropriations, CALEA authorizes the Attorney General to reimburse telecommunications carriers and others for: (1) all reasonable costs directly associated with the modifications performed by carriers in connection with equipment, facilities, and services installed or deployed on or before January 1, 1995, to establish the

capabilities necessary to comply with section 103 of CALFA; (2) additional reasonable costs directly associated with making the assistance capability requirements found in section 103 of CALFA reasonably achievable with respect to equipment, facilities, or services installed or deployed after January 1, 1995, in accordance with the procedures established in CALFA section 109(b), and (3) reasonable costs directly associated with modifications of any of a carrier's systems or services, as identified in the Carrier Statement required by CALFA section 104(d), which do not have the capacity to accommodate simultaneously the number of interceptions, pen registers, and trap and trace devices set forth in the Final Notice of Capacity published in accordance with CALFA section 104.

CALFA further provides that, if a carrier requests payment for modifications eligible for reimbursement in accordance with the cost recovery rules promulgated by the Attorney General under CALFA section 109(e) and the Attorney General does not agree to reimburse for the needed modifications, the equipment, facility or service will be considered to be in compliance. In the case of equipment, facilities, and services installed or deployed on or before January 1, 1995, this compliant status lasts only until the equipment, facility or service is replaced or significantly upgraded or otherwise undergoes major modification. The final CALFA cost recovery rules are currently under review and are expected to be released by the end of the first quarter of calendar year 1997.

Under CALFA, the Attorney General may agree to pay the telecommunications industry for eligible compliance efforts. Therefore, the FBI intends to enter into cooperative agreements for reimbursement of modifications to equipment platforms that are deemed high priority to law enforcement. Cooperative agreements help structure joint efforts between telecommunications carriers, equipment manufacturers, support service providers, and law enforcement. The Federal Grant and Cooperative Agreement Act (31 U.S.C. 6301 et seq.) states the cooperative agreements are to be used when "the principal purpose of the relationship is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States," and "substantial involvement is expected between the executive agency and the recipient when carrying out the activity contemplated in the agreement." (31 U.S.C. 6305). Cooperative agreements will serve as the vehicles for development and deployment of CALFA solutions in telecommunications networks. Cooperative agreements will be instituted in a manner that is consistent with the well-established business processes used by the telecommunications industry to make modifications to the network equipment.

The Government, under CALFA, intends to rely on the telecommunications carriers to influence equipment manufacturers to invest in equipment modifications. Business processes for equipment modifications are relatively "standardized" throughout the telecommunications industry. Both the telecommunications carriers (for their networks) and equipment manufacturers (for their equipment platforms) have specific methods and time frames for developing solutions. Therefore, CALFA implementation initiatives will be consistent with the established relationships and schedules of the telecommunications industry. Industry business processes can be summarized into three primary stages: systems engineering, engineering development, and systems deployment.

In general, **systems engineering** is the stage when the manufacturers respond to a customer's requirements for a new service with an analysis of the technical approach and estimated price of development. Systems engineering is generally viewed as a six-month process. The definition of requirements will assist equipment manufacturers in developing the technical approaches on specific switching systems and other equipment used by a carrier to provide telecommunications services. The completed systems engineering analyses will articulate for the industry and law enforcement the potential costs for development and uncover the technical issues associated with compliance. Systems engineering efforts are expected to begin in the second quarter of 1997.

Engineering development is the stage when the manufacturers create detailed designs for hardware and software based on the systems engineering analysis. From the detailed design, the manufacturers make modifications or additions to systems. This stage might result in new software, new hardware, or in many cases, a combination of hardware and software. Typically, engineering development requires an average of 12 months to complete. Engineering development efforts directly follow systems engineering efforts in the industry business process. These efforts will be based on the documentation and quotes completed in systems engineering.

Systems deployment begins following engineering development. In this stage, the solutions are available for installation in telecommunications carriers' networks. For CALEA, systems deployment activities will be reimbursed in the geographic regions of priority for law enforcement based upon the availability of appropriations.

For 1997, \$100,000,000 is anticipated for CALEA implementation. This funding includes both a direct appropriation for the Telecommunications Carrier Compliance Fund (TCCF) and transfers to the TCCF. The Omnibus Consolidated Appropriations Act of 1997 established the TCCF and appropriated \$60,000,000 to the FBI as "start-up" funds to begin CALEA implementation that are available until expended. The 1997 Act also authorized agencies with law enforcement and intelligence responsibilities to deposit unobligated balances into this Fund, subject to applicable Congressional reprogramming requirements. The Attorney General is proposing to make available an additional \$40,000,000 from the Department of Justice Working Capital Fund in 1997.

Additionally, the FBI is working with other Federal law enforcement agencies and agencies with intelligence responsibilities to identify eligible funds to transfer to the TCCF. On November 27, 1996, the Attorney General sent a letter to all qualified Federal law enforcement and intelligence agencies advising them of the TCCF and soliciting funding support. As of this date, the level of contributions to be transferred to the TCCF during 1997 by other Federal law enforcement and national security agencies is undetermined.

The Omnibus Consolidated Appropriations requires the submission of an implementation plan, with no specified due date, that must be submitted prior to the obligation of any funding from the TCCF. The CALEA implementation plan has been drafted and submitted to the Department of Justice for review.

General cost and schedule estimates for systems engineering and engineering development have been developed based on current information available about the telecommunications industry business process. Using these estimates, the \$100,000,000 available in 1997 will be allocated between systems engineering and engineering development activities. The dollar amount allocated to each specific platform for systems engineering and the engineering development in 1997 will not be known until the execution of cooperative agreements in early 1997. In addition, since the cooperative agreement process has not yet begun, it is not possible to specify which carriers, manufacturers, and support service providers will receive reimbursement. Reimbursement depends, in large measure, upon carrier, manufacturer, and support service provider responsiveness to the cooperative agreement process. The FBI has already initiated discussions with carriers, manufacturers, and support service providers to facilitate the cooperative agreement process. It is anticipated that 1998 base funding of \$60,000,000 would be utilized to continue systems engineering and systems development efforts for priority switching platforms and INPs.

LONG-RANGE GOAL: To preserve the existing capabilities of Federal, State and local law enforcement to lawfully conduct court-authorized electronic surveillance in a rapidly changing telecommunications environment and to effectively articulate law enforcement's electronic surveillance capacity requirements and deployment priorities to the

telecommunications industry in support of CALEA.

MAJOR OBJECTIVES:

- To consult with Federal, State, and local law enforcement agencies to develop and issue capacity requirements and a deployment priority plan.
- To consult with the telecommunications industry to clarify requirements, participate in standards development, and provide capacity requirements.
- To issue cost recovery rules under which telecommunications carriers, equipment manufacturers, and providers of telecommunications support services may receive reimbursement for eligible CALEA compliance efforts.
- To reimburse systems engineering, engineering development, and deployment of solutions for switching platforms and their associated INPs through the established cost reimbursement procedures and so that reimbursement is conducted in the most efficient and cost-effective manner possible.
- To support the Attorney General during resolution of disputes in proceedings before the Federal Communications Commission and, if necessary, the courts.
- To assist the Attorney General in the preparation of annual reports to the Congress detailing the disbursement of funds to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services.

PROGRAM INCREASES: The President's 1998 budget proposes a program increase of \$40,000,000 for the TCCF.

Initiative: Telecommunications Carrier Compliance
Item: Telecommunications Carrier Compliance - \$40,000,000

The 1998 base funding of \$60,000,000, plus the enhancement of \$40,000,000 would fund payments to telephone carriers, equipment manufacturers, and providers of telecommunications support services for costs incurred in complying with CALEA. This funding will be used to continue systems engineering activities for priority switching platforms and INPs and to initiate systems development activities for priority switching platforms. The following chart displays the CALEA timeline.

CALEA IMPLEMENTATION TIMELINE

FY	Date	Capacity Notice	Carrier Statement Notice	Electronic Surveillance Interface Document	Cost Recovery Rules
1996	10/16/95	Publication of Initial Notice of Capacity			
1996	1/16/96	Comments Received on Initial Notice			
1996	4/10/96		Published First Notice for Comment		
1996	4/26/96			Released to Electronic Communications Service Provider Committee	
1996	5/96				Draft Published
1996	6/10/96		Comments Received	Broad Release to Industry	
1996	7/96				Comments Received
1997	1/97	Publication of Second Notice of Capacity (1/14/97)	Publish Second Notice for Comment		
1997	2/97	Comments due on Second Notice of Capacity	Comments Due		Publication of final rules
1997	3/97				Final rules to take effect
1997	4/97	Publication of Final Notice of Capacity*	Clearance Number Obtained Via Final Notice		
1997	10/97	Carrier Statements (Final Notice* + 180 days)			
2000	4/2000	Effective Date of Compliance with Capacity (Final Notice* + 3 years)			

Federal Bureau of Investigation
 Telecommunications Crime Compliance
 Financial Analysis - Program Changes
 (Dollars in thousands)

Item	TFS&S Increases	
	Pos	Amount
Grades		
GS-15		
GS-14		
GS-13		
GS-12		
GS-11		
GS-9		
GS-7		
GS-5		
Total positions and annual rate		
Lapse (-)		
Other personnel compensation		
Total workyears and personnel		
Compensation		
Personnel benefits		
Travel and transportation of persons		
Transportation of things		
GSA rent		
Rental payments to others		
Comm. utilities, and misc. charges		
Printing and reproduction		
Advisory and assistance services		
Other services		
Research and development contracts		
Operations/maintenance of equipment		
Supplies and materials		
Equipment		
Land and structures		
Total program workyears and obligations changes requested, 1998		\$40,000

Federal Bureau of Investigation
Telecommunications Carrier Compliance
Status of Congressionally Requested Studies, Reports, and Evaluations

The Omnibus Fiscal Year 1997 Appropriations Act (P.L. 104-208) included three reporting requirements for the FBI regarding the Communications Assistance for Law Enforcement Act (CALEA) of 1994. The first is an implementation plan, with no specified due date, that must be submitted prior to the obligation of any funding from the Telecommunications Carrier Compliance Fund. The CALEA implementation plan is undergoing review within the Department of Justice. The second report, due by June 30, 1997, requires the FBI to develop, in consultation with the telecommunications industry, an estimate of reasonable costs of modifications to carrier equipment, facilities, and services based on law enforcement assistance capability and capacity requirements. The final reporting requirement is the submission of an annual report to the Congress regarding deposits to and expenditures from the Telecommunications Carrier Compliance Fund. The annual report is due within 60 days after the close of the fiscal year (1997). It is anticipated that these two latter reports will be submitted on or before the due dates.

Federal Bureau of Investigation
Telecommunications Carrier Compliance
1998 Priority Rankings

BASE PROGRAM		PROGRAM INCREASES	
Program	Ranking	Program	Ranking
Technical Field Support and Services	1	Technical Field Support and Services	1

Federal Bureau of Investigation
Telephone Caller Compliance Fund
Summary of Change
(Dollars in thousands)

	Perm Pos	WY	Amount
1997 Appropriation Anticipated (Direct)			\$60,000
			60,000
1998 Base (Direct)			60,000
Program Increases: Direct (See Program Narrative for Details)			40,000
1998 Estimate (Direct)			\$100,000

**Federal Bureau of Investigation
Telecommunications Carrier Compliance
Summary of Requirements by Object Class
(Dollars in thousands)**

Object Class	1996 Actual I II	1997 Estimate I II	1998 Request I II	Increase/Decrease I II
11 Full-time permanent				
11 3 Other than full-time permanent				
11 5 Other personnel compensation				
Total				
Other Object Classes				
12 Personnel benefits				
13 Benefits to former personnel				
21 Travel and transportation of persons				
22 Transportation of things				
23 1 GSA Rent				
23 2 Rental payments to others				
23 3 Communications, utilities, miscellaneous charges				
24 Printing and reproduction				
25 2 Other services				
25 7 Operation and maintenance of equip.				
26 Supplies and materials				
31 Equipment				
42 Insurance claims and indemnities				
Total obligations				
Unobligated balance, start of year				
Unobligated balance, end of year				
Total requirements				
Relation of Obligations to Outlays				
Total obligations				
Obligated balance, start of year				
Obligated balance, end of year				
Outlays				

**Federal Bureau of Investigation
Telecommunications Carrier Compliance (TCC)
Justification of Multi-Activity Program Changes
(Dollars in thousands)**

Budget Activity/Program	Pos	TCC		Pos	Total Initiatives	
		WY	Amount		WY	Amount
Organized Criminal Enterprises						
White Collar Crime						
National Security						
Violent Crimes						
Training, Recruitment, and Applicant						
Forensic Services						
Information Management, Automation						
and Telecommunications						
Technical Field Support and Services		\$40,000				\$40,000
Criminal Justice Services						
Management and Administration						
Total			\$40,000			\$40,000

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**Department of Justice
Federal Bureau of Investigation
Violent Crime Reduction Program
Estimates for Fiscal Year 1998
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**Federal Bureau of Investigation
Violent Crime Reduction Programs
Justification of Proposed Changes in Appropriations Language**

The 1998 budget estimates include proposed changes in the appropriations language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Violent Crime Reduction Programs

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"), and the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"), [§169,000,000] \$179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which [§76,356,000] \$102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; [§53,404,000] \$57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act, of which \$20,240,000 shall be for activities authorized by section 103 of the Brady Handgun Violence Prevention Act (Public Law 103-159), as amended; \$4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; \$9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and \$5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act. (Department of Justice Appropriations Act of 1997.)

Explanation of changes

1. An increase in budget authority is based upon funding levels proposed for 1998.
2. Delete language for Brady Handgun Violence Prevention Act (National Instant Check System) which is not required in 1998.

Federal Bureau of Investigation
Violent Crime Reduction Program
Comparison of 1997 Changes
(Dollars in thousands)

Activity/Program	1997 Request to Congress			Congressional Action			1997 Appropriation Enacted		
	Pos	WY	Amt	Pos	WY	Amt	Pos	WY	Amt
1. Criminal Security and Other Investigations									
a. Organized Criminal Enterprises			\$1,500			(81,500)			
b. White Collar Crime			10,715			11,343			\$22,058
c. Other Field Programs			12,215			9,843			22,058
Subtotal									
2. Law Enforcement Support									
a. Training, Recruitment, and Applicant			2,741			9,450			2,741
b. Forensic Services			26,793						36,243
c. Information Management, Automation									
and Telecommunication									
d. Technical Field Support & Services	6	5	71,134			8,334	6	5	79,468
e. Criminal Justice Services			20,240			8,250			26,490
Subtotal	6	5	120,908			26,034	6	5	146,942
3. Program Direction									
a. Management and Administration									
Total, Violent Crime Reduction Program	6	5	\$133,123			\$35,877	6	5	\$169,000

Congressional Action

The Congress appropriated funding in the Violent Crime Reduction Program which had been requested in the President's 1997 Salaries and Expenses Budget Request to Congress for 1997. Salaries and Expenses for the program were included in the VCRP included \$8,250,000 for two National Crime Information Center (NCIC) 2000 and \$8,334,000 for the National Crime Information Center (NCIC) 2000. The Congress did not fund a request of \$1,500,000 for investigation of Telemarketing Fraud scams.

Adjustments to Base	Param Pos	WY	Amount
1997 Appropriation Enacted	6	5	\$169,000
Transfer of SBE to VCRP			6,715
1998 Base		1	(27,953)
Transfer of SBE to VCRP	6	6	30,292
Program Changes (see Program Narrative for Details)	2	5	30,292
1998 Request	8	7	\$179,121

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**Federal Bureau of Investigation
Valent Crime Reduction Program
Summary of Resources by Program
(Dollars in Thousands)**

	1998 as Enacted			1998 Actuals			1997 Appropriation			1998 Base			1998 Request			Increase/Decrease		
	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount
Estimates by Program																		
Investigative Services																		
Operational Criminal Enterprises																		
White Collar Crime	208	208	86,988	208	208	87,393												
Organized Crime	208	208	32,744	208	208	31,159												
Child and Adult Programs	208	208	37,638	208	208	38,832												
Schedule																		
Total	208	208	157,370	208	208	157,384												
Law Enforcement Support																		
Programs	166	166	7,448	166	166	8,304												
Forensic Services																		
Investigative Support																		
Intelligence Management																		
Technical Support & Services	4	2	97,443	4		30,728												
Training																		
Total	166	167	104,916	166	166	139,340												
Program Direction																		
Management and Administration																		
TOTAL	377	375	\$218,216	377	373	\$182,946	6	5	\$168,000	6	6	\$148,162	6	7	\$179,121	2	1	\$30,959
Direct Total																		
Other Workyears																		
Holiday																		
Overtime																		
LEAP																		
Other																		
Total Compensable Direct Workyears																		
Remunerable Total																		
Other Workyears																		
Overtime																		
LEAP																		
Other																		
Total Compensable Remunerable Workyears																		
Direct and Remunerable Workyears																		
Total Compensable Workyears																		

**Federal Bureau of Investigation
Violent Crime Reduction Program
Justification of Program and Performance**
(Dollars in thousands)

Organized Criminal Enterprises	Perm.		FTE	Amount
	Pos.			
1997 Appropriation Anticipated
1998 Base Anticipated	\$2,000
1998 Estimate	\$2,000
Increase/Decrease	

BASE LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: Since the FBI began using the undercover technique to conduct investigations, backstopping has evolved from that which the undercover operative could set up on their own to implementation of the National Backstopping Program. Backstopping is essential to protect undercover operatives and the viability of the investigation. Until recently, the FBI has been able to provide a fairly sophisticated level of backstopping to an undercover operation and its operatives. However, with the growing availability of the Internet and the "Information Super Highway," literally hundreds of databases are readily available to anyone with a computer and the appropriate software. As a result, the effectiveness and efficiency of the private investigative industry has been greatly enhanced, and the new industry of "Data Mining" or "Information Brokering" has been born. Data miners are professionals at browsing through the Internet and extracting data for whatever purpose they are hired. It is becoming common for business executives to hire the services of data miners or private investigators to check through the various Internet databases before meeting with someone they do not know as a defensive measure against fraud. The recent technological advancements combined with the resulting new data mining phenomena are of grave concern to law enforcement entities trying to backstop undercover operations.

Professionals within the private investigator and data mining industry are already publishing a great number of how-to books in laymen's terms teaching people how to use and search for information on the Internet. For the most part, the information obtained from Internet databases is retrieved legally; however, some of the literature also teaches people how to extract information illegally. Information such as complete credit histories, local telephone toll records, and bank account information can be obtained by placing a call to the right person and saying the right things. The examples used in this literature are very similar to the scripts used by telemarketers. With as little information as a name and an address, a data miner, to a fairly accurate degree, can determine within minutes if a business or individual is real. Recent research indicates that the true location and ownership of telephone service can be determined legally; that long distance toll records can be obtained legally from the major service providers such as AT&T; that an address can be determined to be a mail drop or a multiple family residence such as an apartment complex; where and when a Social Security Account Number was issued; all manner of public records such as marriage, birth, divorce, death, and other personal records are available; and all manner of public business records such as corporate filings and partnership filings, can be easily and legally obtained. Using the Internet, a data miner can collect bits and pieces of information from all sorts of databases and put together the background of almost

any individual or company. In short, the wealth of information available through the Internet is a great investigative tool legally available to anyone from most places in the world.

The wealth of information is also making current and traditional methods of backstopping obsolete. Consequently, FBI undercover operations and operatives are facing serious danger. Currently, backstopping sources and methods used by the FBI's National Backstopping System are among the best within the law enforcement and intelligence communities. However, there is an alarming rise in the instances where targets of criminal investigations are using the Internet or hiring data miners to thwart the backstopping efforts of law enforcement. For example, members of certain South American International Organized Crime entities are contracting with data miners in other countries to do research for them. It is logical to assume that if international organized crime figures have started to use the resources in the Internet, then foreign intelligence operatives and/or terrorist organizations are doing the same.

The Internet is available to anyone from almost anywhere, and the learning curve is relatively short; therefore, the amount of time that the FBI has to react and adjust its backstopping methods and sources is commensurately very short. As use of the Internet spreads throughout the world, the effectiveness of the FBI's undercover technique, as well as those of other agencies, will correspondingly be eroded until a point is reached where relatively unsophisticated targets will have the ability to penetrate the FBI's backstopping veil and defeat the FBI's undercover efforts. It will not be long before fairly sophisticated targets such as International Criminal Enterprises, white collar criminals and public corruption subjects, and/or terrorist and intelligence organizations are fully armed with this counter law enforcement technique and the rate of investigative success enjoyed by the FBI will begin to dwindle. The FBI must become proactive in developing a backstopping system that will counter the undesirable effects of the Internet.

LONG-RANGE GOAL: To reduce the influence of significant organized crime groups operating within the United States and prevent such groups currently not operating within the United States from establishing a presence here.

MAJOR OBJECTIVES:

- To penetrate the hierarchy of targeted OC groups.
- To identify the structure and membership of targeted groups to determine complicity and extent of interrelationships among other crime groups.
- To develop successful prosecutions for specific Federal violations, emphasizing the use of the Racketeer Influenced Corrupt Organizations (RICO) and the Continuing Criminal Enterprise (CCE) statutes.
- To disrupt and dismantle networks involved in the violation of Title 18 and Title 21 of the U.S. Code.
- To significantly reduce the wealth of the organized crime groups by using money laundering statutes to seize ill-gotten assets for eventual forfeiture.

PROGRAM INCREASES:

Initiative: Investigative Infrastructure
Item: National Backstopping - \$2,000,000

As discussed in the strategic assessment, the Internet is making current and traditional methods of backstopping obsolete and is placing FBI undercover operations and operatives in serious danger. Currently, backstopping sources and methods used by the National Backstopping System are among the best within the law enforcement and intelligence communities. However, there is an alarming rise in the instances where targets of criminal investigations are using the Internet or hiring data miners to thwart the backstopping efforts of law enforcement. Recent research has indicated that members of certain South American International Organized Crime entities are contracting with data miners in other countries to do such research for them.

The FBI's National Backstopping Program brings together all of the currently existing functions used to support undercover operations and establish new functions necessary for the continued successful use of the undercover technique. The safety and security of agents while in an undercover capacity are of the utmost importance. In order to insure the continued success and safety of those agents through the use of effective backstopping capabilities, additional funding is required.

The 1997 base in the Salaries and Expenses appropriation for existing undercover backstopping operations is \$2,000,000. An increase of \$2,000,000 is requested for contractors and data base subscription costs (\$1,718,602), equipment (\$181,398), and training (\$100,000) for research/development and quality control functions to upgrade backstopping operations. In backstopping operations, the availability and accessibility of public and commercial records through the Internet and other public databases is critical. To achieve a level of backstopping which will sufficiently protect FBI covert operations, the backstopping program relies heavily on analysts familiar with the Internet, what the sources of information are, and how the FBI can best use these tools when providing backstopping for covert operations. Analysts would be supported by a cadre of contract consultants representing various fields to include banking, investment, legal, and other areas where the FBI requires specialized backstopping expertise.

Along with the enhanced support of the contract personnel, backstopping operations require a comprehensive library of CD ROM databases, trade journals, and industry information from which to glean necessary information when designing backstopping, profiling, and conducting quality control checks. This operation would also require access to the Internet and other on-line public access databases to conduct research and quality control functions. Existing systems and access to these systems would not be available to backstopping operations, as no guarantee can be made that "footprints" or an audit trail would not be left when the FBI makes a query. The alternative is to set up covert operations to accomplish these functions. Establishing and maintaining covert contracts with the various database vendors would make the FBI's queries appear the same as any of the hundreds of other queries being made by private investigators, information brokers, and marketing companies using this service.

**Federal Bureau of Investigation
Violent Crimes Reduction Program
Justification of Program and Performance**
(Dollars in thousands)

Other Field Programs	Perm.		EIE	Amount
	Pos.			
1997 Appropriation Anticipated	\$22,058
1998 Base	\$20,632
1998 Estimate	\$20,632
Increase/Decrease	\$13,900

BASE-LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: In the Violent Crimes Reduction Program, the Other Field Program's FY 1997 base level funding provides \$5,419,000 for Safe Streets Task Forces; \$2,700,000 for Joint Terrorism Task Forces (JTTFs); \$4,780,000 for a field transition center; \$3,000,000 for aircraft maintenance; \$2,000,000 for Infrastructure Vulnerability database; and \$1,500,000 for State/local Counterterrorism Center participation; \$1,000,000 for the Violent Criminal Apprehension Program (VICAP) demonstration project; \$500,000 for automation upgrades to the hostage/barricade database; and \$363,000 for the Attorney General Protection Detail; \$250,000 for Indian Tribal Police Training; and \$165,000 for the Child Abduction Serial Killer Unit (CASRU).

The FBI is mandated as the lead federal agency to investigate and deter hostile acts of terrorism and, when necessary, to apprehend those individuals and groups whose aim is to harm the United States through terrorism. Given the ever changing nature of the threat to U.S. national security, the FBI mission responsibilities require the maintenance of full operational capabilities in this area.

In 1995, Presidential Decision Directive (PDD)-39 was signed which provides further substantive authority to the FBI in countering the threat of terrorism in the United States. PDD-39 addresses a vigorous response to terrorism and strengthens the FBI's leadership role in combating terrorism in the United States. PDD-39 reaffirms the FBI as the lead federal agency in both preventing terrorist attacks and investigating those attacks when they occur within the United States, in international waters, or against U.S. persons and establishments overseas.

The VCRP provides funding which enables the FBI to expand its major violent crime initiative, the Safe Streets Task Forces (SSTFs) and Joint Terrorism Task Forces (JTTFs). In particular, this funding allows the FBI to reimburse State and local law enforcement agencies for extraordinary expenditures caused by participating in the SSTFs and JTTFs. The Safe Streets Initiative addresses the multitude of violent crime problems occurring throughout the U.S. SSTFs are designed to address street gang and drug-related violence, as

well as seek the most significant fugitives wanted for crimes of violence through the establishment of long-term proactive and coordinated teams of Federal, State, and local law enforcement officers and prosecutors. The SSTF have been extremely successful in maximizing the collective efforts of Federal, State, and local resources addressing violent criminal offenders.

The Other Field Programs are responsible for investigating and preventing violent acts, as well as other criminal activities, of terrorist and their organizations. In support of this mission, the FBI is currently participating in JTTFs around the country. These task forces are established in an effort to promote a coordinated effort among FBI field office personnel and its respective local counterparts. Specifically, task forces strive to increase the effectiveness and productivity of scarce personnel and logistical resources; avoid duplication of investigative effort; as well as expand cooperation and liaison among Federal, State and local law enforcement. In addition, with the formation of task forces, the local law enforcement community has been provided with sophisticated investigative techniques which are frequently not available to local police agencies.

The JTTF approach has proven its effectiveness during the course of major terrorism investigations. The New York and Newark JTTFs were the prime FBI entities investigating the bombing of the World Trade Center and the plot to bomb several sites in and around New York City in 1993. The existence of the New York JTTF allowed the law enforcement response to the TWA Flight 800 disaster to be swift, coordinated, and powerful. A JTTF was formed in Atlanta two years prior to the 1996 Summer Olympic Games to facilitate a coordinated approach to security and contingency planning between Federal, State, and local law enforcement agencies. The JTTF was able to establish set lines of responsibility among the multitude of law enforcement agencies and groups present for the Olympic Games and is currently spearheading the investigation into the July 27, 1996, bombing at the Centennial Olympic Park in Atlanta.

The field translation center in New York provides the FBI with an effective, real-time response to identifying potential terrorists and terrorist activities, both of which require that the FBI have the ability to translate documents and other written or audio material. Many times information obtained is time-sensitive, and the information loses value to investigators, analysts, and decision makers if not translated in real time. The centralization of the FBI's translators would streamline and improve the FBI's ability to provide timely translation support to FBI counterterrorism investigations.

PDD-39 emphasizes the importance of revitalizing the FBI's Infrastructure Vulnerability/Key Asset Program which is intended to identify key physical and informational industrial and government assets within this nation's infrastructure which pose attractive targets for terrorists. In general, the FBI's Infrastructure Vulnerability/Key Asset Program is a system of key asset identification and the development of a cooperative liaison with key asset owners/operators. By having key asset information readily available, should the FBI receive threat information directed at the infrastructure of the United States, it can readily determine the significance of a targeted key asset and the possible consequences of its destruction. Such information would provide a valuable tool toward interdiction and prevention of terrorist attacks.

The U.S. infrastructure is defined as a system of interdependent networks which are made up of identifiable industries and institutions that provide a continual flow of goods and services essential to the security and welfare of this country. These networks are generally categorized as electrical power, gas and oil, telecommunications, banking and finance, transportation, continuity of government, as well as water supply systems. Within each of these networks, there are specific components which are so vital that their incapacitation or destruction would have a traumatic or debilitating impact on the United States, either regionally or nationally. These components are known as key assets. Although the FBI

initially established this program in 1988, it lacked adequate personnel and nonpersonnel resources to ensure that the program flourished in the field until requested critical resources were appropriated in FY 1997. This funding for the key asset database enables the FBI to upgrade the database to be state-of-the-art. This database provides up-to-date information concerning the importance of a target and the possible consequences of its destruction. The new database allows for multiple users, cross-referencing, and networking capabilities which provides site specific details.

As a result of PDD-39, the FBI was mandated to develop an interagency Counterterrorism (CT) Center. The goal of the CT Center is to place the FBI in a stronger position to deploy its resources in the most effective way possible to counter threats of terrorism in the United States and abroad, as well as to provide assistance to State and local law enforcement agencies with respect to countering terrorism. State and local law enforcement agencies generally lack any resources to support activities that stray from their prescribed law enforcement duties. The funding received in the FY 1997 Appropriation enables the FBI to offset various overhead costs. For instance, the FBI is able to fund the travel and per diem of State and local law enforcement officials who travel either to the CT Center or at the behest of the CT Center. The FBI is also able to underwrite the expense of providing counterterrorism training to State and local law enforcement officials.

The Critical Incident Response Group facilitates the coordination of FBI responses to major law enforcement crises and special investigations. The Critical Incident Response Group is comprised of two branches, Special Investigations and Tactical Support, which consolidates all FBI units and functions that deal with crisis situations and certain major case investigations. The Special Investigations Branch consists of the Crisis Management Unit, Child Abduction and Serial Killers Unit (CASKU), Aviation and Special Operations Unit, and Investigative Support Unit. The Tactical Support Branch consists of the Hostage Rescue Team, Special Weapons and Tactics Unit, and Special Detail Unit.

Crisis incidents involving barricade situations are on the rise both nationally and throughout the world. This is evidenced by the Branch Davidian Incident at Waco, the shooting at Ruby Ridge, Idaho, and the standoff in Montana. These types of situations are highly complex, are extremely demanding on law enforcement at the Federal, State, and local level, and require a very unique expertise to resolve successfully. Additionally, the investigation of missing and exploited children matters are among the most complex investigations facing law enforcement agencies. The mobility and sophistication of many of today's offenders serve to further complicate the investigative process. The National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children estimates that between 3,200 and 4,600 annual, short-term, non-family abductions occur where approximately 70 percent of the child victims were sexually assaulted. Long-term abductions of children resulted in some 200 to 300 incidents. Of these incidents, between 47 and 147 cases resulted in the murder of the child.

The Critical Incident Response Group's CASKU has highly trained and experienced investigators to respond to requests for assistance on cases of child abductions and serial and mass murder. The Morgan P. Hardiman Missing and Exploited Children's Act was enacted as part of the Violent Crime Control and Law Enforcement Act of 1994. The Act created a Federal Task Force on Missing and Exploited Children. Task force members respond to field office requests for on-scene assistance, conduct research, receive and provide training. The task force is collocated with the CASKU.

Most violent crime is perceived as singular acts and is more often categorized as homicide/murder, rape, assault, robbery, and destruction of property. Consequently, violent crime is believed to be primarily a problem impacting individual localities and jurisdictions. However, any violent act can assume a larger and more ominous character when evaluated

collectively within the framework of identified patterns and/or common "environments." All of these crimes involve unique and aberrant behavior based patterns which are in need of further study and exploration. The knowledge gained from the close study of these behavioral aspects of violent crime have become instrumental in the way law enforcement deals with each situation. This includes all aspects of the crime, from the act itself, through the investigation, prosecution, and eventual incarceration of the violent offender. When viewed from a strategic perspective, it is important for law enforcement to address many violent crime issues from a more comprehensive and multi-functional posture. This approach includes the need to conduct research necessary to better understand the underlying causes of violence and to develop more effective methodologies for dealing with it. Through the Violent Criminal Apprehension Program (VICAP), a computer based tracking system is being designed to identify serial or repeat violent offenders throughout the country.

Also, through the Other Field Programs, the FBI investigates crimes in Indian Country, criminal street gangs, violations of the bank robbery statutes, carjackings, crimes on government reservations, thefts from interstate shipment, interstate transportation of stolen property and motor vehicles, assaults/threats to Federal officers, assaults on the President, and theft of or destruction of government property. The FBI is able to conduct simultaneous investigations in multiple jurisdictions and has demonstrated its ability to coordinate and successfully resolve the most complex, sensitive and organizationally focused investigations.

The FBI has jurisdiction over 558 separate sovereignities, 168 Indian reservations, upon which reside half a million Native American Indians. The FBI also has concurrent jurisdiction with tribal police in Indian Country. With the increase in violence and crime in Indian Country, State law enforcement agencies and tribal police are working with their Federal counterparts to stem the tide of associated violence. Through the cooperation between Federal and State law enforcement agencies and tribal police, an intelligence base can be established to more thoroughly investigate criminal activity. A Memorandum of Understanding between the Department of Interior, Bureau of Indian Affairs, and Department of Justice directs the FBI to assist the BIA by providing training to their criminal investigators and police officers. This coordinated training effort results in more cohesive investigations of Indian Country crimes.

LONG RANGE GOAL: To mitigate the prevalence and the effect of violent crime in the United States and to sustain continuity and consistency in the crisis response of the FBI throughout the U.S. and the world.

MAJOR OBJECTIVES:

- To more effectively and efficiently investigate those violent crimes in our society which require an immediate ~~reactive~~ response, in conjunction with State and local law enforcement, through the Safe Streets Violent Crime Initiative.
- To neutralize through investigations the ability of terrorist groups to adversely affect the interests of the United States by detecting, preventing, and/or reacting to unlawful, violent acts and criminal activities of domestic terrorist groups or associated individuals.
- To provide investigative training to Bureau of Indian Affairs and Tribal Police resulting in more cohesive investigations of Indian Country crimes.

- To provide operational assistance to include crisis management, negotiations, criminal investigative analysis, and child abduction matters.
- To maintain an effective aerial and emergency response capability in support of investigative activities.
- To provide personal protection to the Attorney General of the United States.

PROGRAM INCREASES: For the 1998 budget, the Other Field Programs proposes program increases of \$13,900,000 for two key FBI initiatives: Technology Crimes and Investigative Infrastructure. The program increase for the Technology Crimes Initiative is \$5,900,000 for Critical Investigations and Infrastructure Threat Assessment Center operational funding. The program increase for the Investigative Infrastructure Initiative is \$8,000,000 for security reinvestigations.

Initiative: Technology Crimes Initiative

Item: Computer Investigations and Infrastructure Threat Assessment Center (CITAC) - \$5,900,000

The CITAC is one of the most ambitious projects ever undertaken by the Federal government to counter the threats posed by foreign powers, terrorist groups, criminal organizations, and non-state entities to the National Information Infrastructure (NII). As envisioned, the CITAC will serve as a focal point for identifying and neutralizing these threats through the following:

- (1) Initiating appropriate intelligence and criminal investigations to counter the activities of NII intruders;
- (2) establishing cooperative arrangements with domestic/foreign law enforcement and computer incident response agencies who are responsible for investigating cases involving intrusion incidents;
- (3) engaging subject-matter-experts from the private sector to determine their knowledge concerning the nature and extent of foreign involvement in attacks on commercial, financial, and higher education institutions; and
- (5) identifying legal and policy issues which impact on our ability to effectively neutralize data base threats.

Background. Over the past 30 years, the United States has become critically dependent on interconnected telecommunications and automated information systems. This interdependent network, termed the NII, includes systems identifiable with communications, transportation, power, water, banking and finance, manufacturing, government, and emergency services that provide a continual flow of goods and services essential to the defense and economic security of the United States.

As this infrastructure is deemed to be so vital that its partial incapacity or destruction would have a debilitating regional and/or national impact, Executive Order 13010, titled "Critical Infrastructure Protection," directed that the government and industry cooperate to develop a strategy for protecting and ensuring continued NII operation. An interim government agency task force, chaired by the FBI, was formed to coordinate infrastructure protection efforts. Within the FBI, the CITAC has assumed these responsibilities. Prior to the establishment of the CITAC, the response to NII threats within the FBI was managed on an ad hoc basis, that is generally, the circumstances of each individual case determined which Bureau entity would respond to a matter. For example, under FBI investigative jurisdiction, the Bureau responds to the traditional computer crime violations of Title 18, Section 1030, which deals with "Fraud and Related Activity in Connection with Computers," and Section 2701, which deals with "Unlawful Access to Stored Communications." For violations related to the unauthorized access of computers used in national defense, foreign relations, or any restricted data, the Other Field Programs generally assumes investigative responsibility. For violations related to criminal acts using a Federal-interest computer (a computer used exclusively for the use of a financial institution or the United States Government), the White Collar Crime Program (WCC) generally responds.

In order to ensure a coordinated, comprehensive response to NII threats, the efforts of both the Other Field Programs and WCC were required. This was accomplished by integrating personnel from both divisions into a single section, with that section being directed by a senior FBI manager reporting to both operational divisions. The CITAC serves as the focal point for FBI computer-related counterterrorism and criminal investigations, as well as manages functions integral to providing a nucleus for government and industry response to NII threats and vulnerabilities.

A major issue associated with identifying the threat posed by foreign powers to the NII is the inability of experts, both in government and the private sector, to adequately define the nature of the threat and the vulnerability of computer networks to intrusions. An electronic intrusion could be purely malicious hacking; the work of a negligent or disgruntled insider; part of an extortion or other criminal effort; a terrorist act; part of a clandestine espionage program; or, in time of international crisis, part of an attack by a hostile foreign power. Any broadly successful effort by an individual, group, or country to destroy, disrupt, or deny access to the NII could have serious defense, national security, or economic consequences. These multiple threats require that any comprehensive infrastructure assurance effort goes beyond the threat posed by terrorists and consider threats from all manner of individuals or groups.

A significant threat to computer information security is theft of trade secrets, whether conducted by insiders or competitors. For example, in 1994, Wang Liao Sheng and Cui Jing, Chinese nationals residing in the U.S. as permanent resident aliens, were indicted for Computer Fraud and Abuse, and, Fraud by Wire after an FBI investigation determined that they had transferred proprietary source codes, via the Internet, from Ellory Systems, Incorporated (ESI) to a Chinese firm, Beijing Machinery Import and Export Group. ESI was developing the codes, with support from Hewlett Packard, IBM Digital Equipment, Sun Microsystems, and other industry leaders, as part of an effort to provide integrated applications for the NII. The source codes represented almost \$1 million in ESI research and development efforts and were deemed to have a potential market value of tens of billions of dollars.

In April, 1996, Subrahmanyam M. Kota signed a plea agreement relating to charges of Conspiring to Transport Stolen Property, Income Tax Evasion, and Fraud by Wire. Aluru J. Prasad and Vemuri Bhaskar Reddy, two of his associates, are waiting for trial, on similar charges, with Prasad also being charged with espionage. This charge emanated from the attempt to sell classified information relating to aerospace surveillance technology to the Soviet Intelligence Services.

In 1995, the FBI arrested Kevin D. Mitnick, a notorious computer hacker associated with intrusions into government, corporate, and university computer networks. Mitnick came to national attention in 1982, when, as a teenager, he used a computer and modem to break into a North American Air Defense Command computer. He was first indicted for criminal activity in 1988, after officials at Digital Equipment Corporation alleged that he caused \$4 million in damage to computer operations at the company. Warrants were again issued for his arrest during and after 1992, and at the time of his arrest, he had already stolen over \$1 million in proprietary software and thousands of credit card numbers, including the card numbers of some of the best-known millionaires in the Silicon Valley.

Although possessing limited resources, computer hackers have demonstrated the capability to extensively compromise sensitive computer data bases and telecommunications networks. It appears that the NII is becoming more vulnerable to users that may not have been previously disposed toward disruptive and/or illegal activities. These individuals are influenced by the continuous succession of books, magazine and newspaper articles, electronic bulletin board messages, and a staggering list of hacker home pages on the World Wide Web that are targeted at informing hackers, crackers, "phreakers," technophiles, and other interested individuals about the latest methodology for staging successful computer network attacks. These publicized efforts result in a myriad of attacks on susceptible networks, particularly Internet service providers. After an article on "synflooding" was published in the underground hacker magazines "2600" and "Phrack," over twenty Internet service providers were attacked. Although most attacks lasted only several hours, the Public Access Networks, the first Internet service provider in New York City, was disabled for more than a week by an anonymous intruder from Canada who became disgruntled when the service provider refused to allow racist hate messages to be transmitted.

Based on the CITAC's infrastructure protection responsibilities, an enhancement of \$5.9 million is being requested for FY 1998 for contractor support (\$2,930,000); technical equipment acquisition (\$1,830,000); training (\$620,000); and, travel (\$520,000).

Contractor Support - \$2,930,000

Of particular importance is a minimum of \$2,930,000 for contractor support. As previously articulated, the extremely complex and technical nature of NII attacks requires the coordinated response of numerous law enforcement, intelligence, and commercial entities in order to be effective. Sufficient funding to procure contractor support to assist in the processing of some types of evidence emanating from sophisticated attacks is integral to the success of intelligence and criminal investigative efforts.

Additionally, protection of the telecommunications infrastructure presents unique challenges for the FBI. Obviously the mediums for the storage, processing, and movement of information have changed dramatically over the past few decades, and even more dramatically over the past several years. In the early computer age, information was processed and stored on mainframe computers with almost no movement capabilities. The emergence of modern-connected personal computers decentralized some of this processing and storage into what are now referred to as client/server environments. Local area networks were invented to facilitate communication among devices in local environments, and wide area networks interconnected these local environments into large networks with enormous potential for distributed processing, storage, and retrieval of information. More recently the public Internet, private organizational Intranets, and the World Wide Web have collectively demonstrated the power and potential of electronically-connected devices.

Technical Equipment - \$1,830,000

It is estimated that a minimum of \$1.8 million is required for the purchase of technical equipment, maintenance, and equipment upgrades to support CITAC efforts. This includes the purchase of technical workstations for CITAC personnel.

Training and Travel - \$1,140,000

In addition, the CITAC requires \$620,000 for training and \$520,000 for travel to ensure that personnel continue to enhance their investigative abilities and institutional knowledge concerning state of the art NII developments. This training will include a series of formalized courses comprising basic and advanced computer investigator modules which will provide agents with skills relating to such issues as computer search, seizure, and forensic analysis; encryption; systems administration; Internet and Intranet issues; information warfare threats and vulnerabilities; and infrastructure protection issues. The funding for travel will allow individuals to represent the FBI's infrastructure interests to private industry and trade groups, as well as to provide on-site technical, operational, and administrative expertise to field elements involved in sensitive CITAC investigations.

Initiative: Investigative Infrastructure

Item: Security Reinvestigations - \$8,000,000

The FBI SCM Program is the first line of defense against espionage and other threats to compromise the FBI, its personnel, and its information. As clearly demonstrated by the Aldrich Hazen Ames investigation, betrayal of the security of the United States through the deliberate compromise of national security information (NSI) and other sensitive U.S. Government information cannot be tolerated. One of the two primary intelligence threats within the United States stems from human intelligence gathering; therefore, the FBI remains dedicated to sensitizing its employees and its contract employees to this threat. The strengthening of security countermeasures in all areas involving personnel remains a top priority within the FBI's SCM Program. The greatest target for compromise are employees of the U.S. Government and its contractors who, in many cases, have access to sensitive NSI.

The reinvestigation of FBI personnel, all of whom hold a "Top Secret" clearance and are in "special-sensitive positions," began in 1989 with minimum compliance of Office of Personnel Management (OPM) regulation, Chapter 736, which implements Executive Order (EO) 0450. This requires that all persons in the Government in special-sensitive positions be subject to a reinvestigation every five years. To be in full accord with the EO, a complete reinvestigation program has begun. This would include inquiries and interviews of neighbors, co-workers, social acquaintances, as well as, national agency checks. The base line program is inadequate to address the OPM regulation and EO, as field resources would be required to do the complete reinvestigation.

The SCM Program is currently funded in the amount of \$705,000 for contract reinvestigations, which is inadequate to support the level of reinvestigations required. The FBI anticipates requiring \$271 five-year reinvestigations and contractor background investigations in 1998. Contractor investigators would be used to conduct these investigations at an approximate cost of \$8,271,000. A program increase of \$7,566,000 is needed to offset the contractual costs associated with contract investigations. This figure reflects the funding required less the base level funding. If approved, all of the FBI's required background investigations and five-year reinvestigations would be conducted by contract investigators at a cost of \$8,271,000, or \$1,000 per case. If FBI agents were required to conduct the same number of investigations, the cost to the FBI would be approximately \$20,677,500 or \$2,500

PRELIMINARY:

An additional \$434,000 is also requested to support field level operations. A total of \$129,000 is requested to offset expenses associated with assessing program management performance, as well as recruiting contractors. Further, \$305,000 is needed to support the polygraph examinations in connection with the reinvestigations of FBI employees focusing on national security issues. Polygraph examinations are limited to national security screening examinations in all reinvestigations. The value of a polygraph in this application is that it could reduce security concerns about those employees who are "cleared" by polygraph while focusing available security/investigative resources in those areas where the possibility of threat does exist.

Given the current budgetary climate and the extensive workload involved in meeting the security countermeasures requirements for personnel and contractors, the FBI has concluded that the use of contract investigators is the most realistic means of addressing the workload in an economical manner. This enhanced level would allow the SCM Program to more aggressively address background reinvestigations of FBI personnel without reducing the level of effort currently afforded to the investigations of non-FBI personnel who have access to FBI facilities or information.

Full funding of the SCM Reinvestigation Program would ensure that the FBI could complete all initial security background investigations and five-year security reinvestigations in the year in which they were initiated. Currently the FBI does not possess the resources to do so. The lack of a dedicated reinvestigations/initial security investigations workforce leads to the continuation of cases from one year to another. The full \$8,000,000 would provide the FBI with the ability to possess a workforce dedicated only to the conduct of initial security background investigations and five-year security reinvestigations.

In 1995, 1996 and 1997, the FBI redirected 73 agent workyears within Other Field Programs to its SCM Field Program in order to meet the requirements of EO 10450 to conduct full-field five-year security reinvestigations on government employees with access to classified material. This redirection of workyears increased the FBI's SCM Program's field element from 23 agent workyears to 96 agent workyears. Despite this increase in agent workyears, the FBI continues to over utilize agent workyears in its SCM Program.

Based on the above, the FBI is requesting \$8,000,000, which includes \$7,566,000 for contract investigators to address reinvestigations and \$434,000 for related field operations. Fiscally, the FBI would be able to redirect investigative (agent) resources while at the same time substantially reducing the costs associated with complying with the DOJ Order 2610.2A and NSD 63.

**Federal Bureau of Investigation
Violent Crimes Reduction Program
Justification of Program and Performance
(Dollars in thousands)**

Training, Recruitment and Applicant	Perm.		FTE	Amount
	Pos.			
1997 Appropriation Anticipated	\$2,741
1998 Base	1,644
1998 Estimate	3,644
Increase/Decrease

BASE LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: Crime continues to be a significant problem facing the United States. The issue of crime has permeated American culture, media reports of crime dominate the print and broadcast news media. The success of television shows such as "Cops" and "America's Most Wanted," in addition to the television news magazine shows such as "Dateline," demonstrate America's obsession with crime. This concern is not unwarranted. In the 1995 Uniform Crime Report, statistics show that a violent crime occurs every 18 seconds and a property crime every three seconds. Few Americans born today will be unaffected by crime during their lives.

Domestic violent crime and its financial impact place an overwhelming burden on most State and local police agencies. Moreover, the weakening or elimination of borders in many parts of the world and the growing availability of electronic forms of communication and commerce allow criminals significant degrees of domestic and international mobility. Social, political, religious and economic factors are generating changes that stretch the ability of the United States and foreign law enforcement agencies to respond to the crime problems generated by these developments. The FBI must take a leadership role in the development of knowledge and operational capabilities for law enforcement to attack these crime problems and develop programs to train our counterparts in these techniques.

In the days of the American West, law enforcement officers were selected because of their physical prowess. However, law enforcement personnel today must enter the job prepared to face mental as well as physical challenges. In addition, law enforcement increasingly needs technical experts to assist the solving of crimes. The competency of these individuals often means the difference between a solved and unsolved case.

As the FBI continues to grow both in size and complexity, it is increasingly evident that professional dedicated employees with specific areas of expertise are vital to the continued success in the FBI's efforts to support the criminal justice community in the fight against crime and violence. The FBI's total funded staffing level for 1997 is 11,308 special agent positions and 16,183 support positions for a total of 27,491 positions. The FBI's on-board staffing level at the end of 1996 was 10,693 special agents and 14,359 support

employees for a total of 25,054 employees. As a result, the FBI entered fiscal year 1997 under the funded staffing level for special agents by 613 and under the support complement by 1,824.

An individual selected as a new agent must report to the FBI Academy for 15 weeks of training. The FBI new agent training program provides comprehensive instruction to ensure that entry level agents possess the basic knowledge and skills required to serve the American public. Among the components of the new agent training curriculum are behavioral science, communications/interviewing, ethics, legal instruction, informant development, physical fitness/defensive tactics, evidence, firearms, Equal Employment Opportunity/sensitivity training, field office administrative operations and procedures, practical problems, and emergency vehicle operations. Agent trainees also receive instruction for each of the FBI's investigative programs: organized crime, drugs, violent crimes, white-collar crimes, counterintelligence, terrorism, civil rights, and applicant.

There is a continuing and critical need to provide training and development courses for FBI personnel assigned to field offices and FBI Headquarters. This training is necessary to maintain and enhance the professional skills of FBI personnel in their present assignments, to equip personnel to handle new investigative and administrative requirements, and to develop the leadership and management skills of potential supervisors, managers, and executives. The large-scale hiring of new agents during the last two years means that 17% of the FBI's agent workforce has less than two years experience. The FBI must be prepared to offer continuous education for these less-experienced agents to enhance their development and improve their ability to solve complex crimes.

The FBI also provides instruction for State and local criminal justice practitioners, both at the FBI Academy and throughout the United States at State, regional, and local training facilities. The FBI is presently the only agency at the Federal level that offers continual assistance to approximately 20,000 police agencies for training. The principal course of study for State and local law enforcement officers is the FBI National Academy Program, an 11-week multi-disciplinary program for officers who are considered to have potential for further advancement in their careers by their nominating agency heads. During 1998, 1,040 State, local and international law enforcement officers are projected to attend the FBI National Academy.

Other training opportunities at the FBI Academy also exist for State and local law enforcement personnel. The National Executive Institute (NEI) and the Major City Chiefs (MCC) Programs provide a forum for the development of the chief executive officers of the 150 largest law enforcement agencies in the United States and selected international law enforcement agencies. The focus of these programs is to provide an opportunity to discuss contemporary law enforcement issues, to exchange ideas, concepts and strategies for successful leadership, and to foster a networking of executives for future consultations. The Law Enforcement Executive Development Seminar (LEEDS) is designed for police chiefs from mid-sized agencies. In addition, the National Law Institute is a one-week specialized training program for State and local police, legal advisors and prosecutors.

The Field Police Training Program (FPTP) serves as the foundation for the FBI's Comprehensive Law Enforcement Training Program. Training sessions cover the full range of law enforcement training topics, such as hostage negotiations, computer-related crimes, death investigations, violent crimes, criminal psychology, and forensic science. During 1998, the FBI anticipates training 125,000 criminal justice personnel at State, regional, and local training facilities.

Stressing a cooperative effort, the FBI must increase law enforcement effectiveness by providing large-scale training and education not only in identifying and combating

traditional criminal activity, but also the most sophisticated activities of criminal enterprises. As computer technology continues to develop and expand at seemingly exponential speed, more and more law enforcement agencies will need to participate in the automated environment if they are to remain current. The FBI should be at the vanguard of making computers, computer training, relevant software and access to the "Information Highway" available to all students.

The FBI conducts its training programs at the FBI Academy in Quantico, Virginia, field offices and off-site locations, at local, State, and regional facilities throughout the Nation and at various international sites. At the FBI Academy, training is provided for FBI new agent training, the FBI National Academy, Drug Enforcement Administration (DEA) basic agent training and as capacity permits, in-services/comprehensive FBI management training, and specialized schools, conferences, and symposia. In addition, the International Law Enforcement Academy in Budapest, Hungary, began operation in April 1995.

The FBI provides and maintains sophisticated audiovisual presentation systems in 25 classrooms and two auditoriums at the Academy as well as designing and producing new training and internal information materials in many media including vugraph and 35mm transparencies, monochrome and color photography, video tape recordings, and computer-based multimedia programs. The FBI's Distance Learning Training Program (DLTP) uses satellite and video teleconferencing technologies to provide training and education to FBI personnel, agent and support and the law enforcement community, domestic and international. Many, if not most, of the training activities conducted at the Academy are dependent upon the equipment, systems, and services.

To enhance our ability to reach our law enforcement partner across the country, the FBI has produced 59 "Viewpoints from the FBI Academy" programs since March 1991. The programs are 30-minute taped programs shown on the Law Enforcement Television Network (L.E.T.N.) which features FBI Academy instructors. L.E.T.N. is a 7-day, 24-hour per day law enforcement training network based in Carrollton, Texas, that supports approximately 5,000 law enforcement subscribers. The FBI Academy anticipates continuing its production of 12 programs per year for L.E.T.N.

Since March 1986, the FBI has also produced 36 live, two-hour, interactive teleconferences for the Law Enforcement Satellite Training Network (L.E.S.T.N.), which is operated at the Academy. In June 1995, the FBI began originating its L.E.S.T.N. teleconferences live from the Academy television studio. The topics for both programs are geared toward the FBI and general law enforcement community. L.E.S.T.N. has approximately 1,500 down sites on the training network. These down sites include Federal, State, and local law enforcement departments and corrections, law enforcement training academies, universities, community colleges, libraries and local school systems. An estimated 15,000 to 30,000 viewers watched L.E.S.T.N. programs live and many more viewers watch the programs on tape at later times. L.E.S.T.N. and L.E.T.N. programs are kept in law enforcement resource libraries for future viewing.

LONG-RANGE GOALS: To provide initial and advanced professional training and investigative support for FBI agent and support personnel, and to provide training and retraining sessions to Federal, State, local and international law enforcement officers through the FBI National Academy and International programs, enabling them to carry out their increasingly complex responsibilities in an efficient, professional, and effective manner.

MAJOR OBJECTIVES:

- To utilize FBI Academy facilities to the maximum and fund other regional training initiatives to support mandated and backlogged in-service training consistent with the Bureau's overall mission.
- To continuously refine and expand the level of training provided to State and local law enforcement agencies, as well as to create and maintain the requisite conditions to facilitate cooperation between FBI and local agencies in areas of mutual concern and interest.
- To insure that all agents and other law enforcement personnel involved in practical applications training are fully capable of conducting successful investigations utilizing sound investigative techniques and utilizing the skills taught and reinforced through practical applications, firearms training, physical training and other academic topics at the FBI Academy.
- To expand investigative training capabilities to state-of-the-art instructional technology and distance learning techniques, and to identify and develop the curriculum which will be delivered via distance learning.
- To execute a five-to-ten year recurring cycle of replacing production and presentation equipment and systems to ensure effective delivery of well-produced professional materials so that the FBI Academy can continue to enjoy the reputation as the premier law enforcement training institution.
- To increase the availability of computer technology for training law enforcement, to increase the complement of skilled computer support personnel, to increase the complement of Computer Instructors and to develop a core staff that would facilitate the development of materials on behalf of the FBI.
- To develop new and innovative training programs and to engage in critical behavioral science-related research focusing on gangs and gang violence; youth violence; killing and felonious assault of law enforcement officers; crime analysis; homicide; community policing; hate crime; and predictability of dangerousness.

PROGRAM INCREASES: No program increases are proposed for 1998.

**Federal Bureau of Investigation
Violent Crime Reduction Program
Justification of Program and Performance**
(Dollars in thousands)

Forensic Services	Perm. Pos.	FTE	Amount
1997 Appropriation Anticipated	\$36,243
1998 Base	34,369
1998 Estimate	34,369
Increase/Decrease

BASE LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: The FBI Laboratory provides forensic examinations and related services to Federal, State, and local law enforcement agencies through a total commitment to quality service; prompt, accurate and thorough response to all requests; technical leadership; innovative use of technology to facilitate investigations; sharing information and technology with the Federal and non-Federal criminal justice community; and a work environment which fosters open communication, creativity, individual initiative and personal achievement.

The successful investigation and prosecution of crimes require, in most cases, the collection, examination, and scientific analysis of evidence recovered at the scene of the incident or obtained during the course of the investigation. Oftentimes, the availability and presentation of physical evidence is used in court to demonstrate the guilt, either directly or circumstantially, of the person on trial. The Forensic Services program supports the operations of the FBI Laboratory, one of the largest and most comprehensive crime laboratories in the world and the only full-service Federal forensic laboratory. The FBI Laboratory performs examinations of evidence for all duly constituted law enforcement agencies -- Federal, State, and local -- in the United States.

The FBI Laboratory is recognized as a leader in the scientific analysis and solution of crime in the United States. Since its inception, the FBI Laboratory has consistently strived to enhance its service to the law enforcement and criminal justice communities. Through exhaustive analysis, appropriate methodologies are developed to apply the most recent scientific and technological innovations to the examination of forensic evidence in criminal investigations. The reliability of these techniques is crucial, not only to the law enforcement profession, but also the public it serves.

Through the Violent Crime Reduction Program (VCRP), funding is proposed for several key FBI Laboratory initiatives including: FBI Laboratory Equipment Modernization

(\$6,000,000); the FBI's Combined DNA Index System (CODIS) and State grants (\$15,000,000); DRUGFIRE (\$4,200,000); Evidence Response Teams (\$1,800,000); Renter Safe Team Equipment (\$2,250,000); Mobile Deployment Laboratories (\$240,000); and Contract Linguists (\$2,850,000). These initiatives provide for enhanced forensic capabilities within the FBI laboratory, linguist support for criminal investigations, and the development and sharing of new forensic techniques and capabilities for State and local crime laboratories.

LABORATORY EQUIPMENT MODERNIZATION

The 1998 budget provides \$6,000,000 from the VCRP for the fourth year of multi-year modernization of FBI Laboratory equipment. The majority of equipment funds will be used to support the primary initiatives in the Laboratory: DNA Analysis, Forensic Training, Field Photo Support, Foreign Language Services, and Polygraph. The Laboratory Division (LD) will use the VCRP funding to replace broken and antiquated equipment that has been retained far beyond what would normally be considered its useful life. Specialized equipment is often expensive. For example, one DNA Sequencer can cost over \$100,000 and the replacement cost for a Gas Chromatograph/Mass Spectrometer is in excess of \$450,000. The FBI Laboratory is in the process of buying microscopes, light sources, computerized polygraph units, computers and other equipment necessary to perform routine laboratory procedures and examination of evidence. The five-year modernization effort is estimated at \$30,000,000, of which \$18,000,000 has been appropriated to date.

COMBINED DNA INDEX SYSTEM (CODIS)

The DNA Identification Act, included in the Violent Crime Control and Law Enforcement Act of 1994, authorized the FBI to establish an index containing DNA records from persons convicted of crimes, samples recovered from crime scenes, and samples recovered from unidentified human remains. CODIS allows State and local crime laboratories to store and match DNA records. VCRP base funds for the FBI's CODIS program for 1998 total \$15,000,000, of which \$5,500,000 would be spent on contract ADP services to continue software development and operate CODIS for State and local crime laboratories. The remaining \$9,500,000 will be transferred to the Bureau of Justice Assistance (BJA), Department of Justice, to conduct a grant assistance program for States to establish, develop, and upgrade computerized identification systems compatible with CODIS, the FBI's National Crime Information Center (NCIC), and automated fingerprint systems compatible with the FBI's Integrated Automated Fingerprint System (IAFIS).

The FBI has developed CODIS to function as a national DNA database system containing indices of DNA profiles from convicted offenders and unsolved crime scenes. A missing persons index is under development. CODIS permits State and local law enforcement crime laboratories to exchange and compare DNA profiles electronically, thereby linking serial violent crimes (especially rapes) to each other and identifying suspects by matching DNA from crime scenes to convicted sex offenders. As of January, 1997, there are 57 CODIS sites in 27 States and the District of Columbia. The FBI anticipates that an additional 27 laboratories will install CODIS in 1997, bringing the total CODIS sites to 84. The FBI Laboratory manages the CODIS program. Computer support and maintenance are provided through a service contract with Synetics Corporation. The continued success of CODIS rests on having sufficient contractor personnel to sustain software development and maintenance, conduct installations and user training, and provide technical support to the FBI and State and local crime laboratories.

DNA testing is provided free of charge to any law enforcement agency in the U.S., including travel for FBI examiners to testify in court. From 1991 to 1993, DNA cases submitted to the FBI Laboratory increased by 53 percent. From 1995 to 1997, it is projected that DNA cases submitted will increase by another 92 percent. This increase is due largely to the introduction of new DNA testing techniques that will permit testing on smaller quantities of DNA, as well as new tissues (e.g., bone, teeth, hair, and skin). Due to these new techniques, more cases will be addressed than ever before, and the demand for new testing information will increase significantly. The forensic science and law enforcement communities are already aware of these new DNA technologies being brought on-line and are preparing to utilize this valuable service.

As of December, 1996, 42 States have enacted DNA database laws with the remaining eight States expected to pass similar laws in 1997. Additionally, the Anti-terrorism and Effective Death Penalty Act of 1996 provides that "the Director of the Federal Bureau of Investigation may expand CODIS to include Federal crimes and crimes committed in the District of Columbia." Based on data provided by the U.S. Bureau of Prisons and the Administrative Office of the U.S. Courts, the FBI projects a requirement to collect and type approximately 14,500 DNA samples in 1998. The 14,500 DNA samples include 11,500 samples from the current Federal inmate population, plus an estimated 3,000 samples from defendants convicted in U.S. District Courts during 1998.

DRUGFIRE

DRUGFIRE is a computer database system which allows laboratories within a region or large metropolitan area to exchange and compare images of fired ammunition casings. The microscopic machining marks on cartridge cases or bullets, resulting when a gun is fired, are scanned, and the image is stored in the DRUGFIRE database. After searching the database, these images are then electronically recalled, transmitted, compared, and matched to other evidence, thereby connecting shootings previously thought unrelated or linking crimes to certain weapons. The FBI acquired the services of Mnemonic Systems, Inc. (MSI) to develop the DRUGFIRE system. Color reference libraries of the FBI Laboratory's ammunition and firearms collections (stored on CD-ROM) will be an additional feature of the DRUGFIRE system. Also, networking capabilities will be expanded to allow inter-regional exchange of DRUGFIRE images and data between any two DRUGFIRE sites in the United States. As of December, 1996, there were 73 DRUGFIRE sites within the United States, with another 75 laboratories expected to install DRUGFIRE by the end of calendar year 1997. MSI will develop the networking capability through the existing contract. This development would essentially migrate DRUGFIRE from a regional system to the first fully integrated, national firearm and cartridge case/bullet database system. The FBI is also beginning to examine the possibility of re-engineering the algorithms used to search, select, and rank candidate matches. Preliminary results are very promising that all true matches can be ranked very close to the top of the list of candidate images. Following testing to document sensitivity and accuracy, these advances would be included in future releases of DRUGFIRE software.

Nationwide, over 35,000 criminal investigations represented by over 60,000 images have been entered in DRUGFIRE. Additionally, DRUGFIRE has linked nearly 1,400 cartridge cases, matching one of every eight cartridge cases entered from crime scenes and providing police with investigative leads that would otherwise have gone undetected. In some cases, the match shows that the same gun was used repeatedly in criminal activity. In other cases, a seized gun was test-fired and linked to one or more previous shootings. For example, during "Operation Clean-Up," the FBI used DRUGFIRE to assist the Washington Metropolitan Police Department in working through its backlog of over 2,000 firearms

cases. DRUGFIRE proved to be highly successful, recording 38 hits and linking 57 cartridge cases of the 247 cartridge cases entered, a 23 percent hit rate.

Base funds of \$4,200,000 are proposed to continue the development, installation and operation of the DRUGFIRE system. This funding will be used for: ADP contractor services to continue development of DRUGFIRE system software; continuing and increasing user support; maintaining current DRUGFIRE sites; expanding the number of operational DRUGFIRE sites; continuing development, refinement, and integration of the FBI Laboratory's National Firearms Reference Collection and Standard Ammunition File into the DRUGFIRE database; and equipping State and local crime laboratories with DRUGFIRE equipment and software.

EVIDENCE RESPONSE TEAMS (ERT)

The FBI Laboratory works closely with FBI field offices to develop, train, and equip Evidence Response Teams (ERT). An ERT is a group of very motivated, well-trained and well-equipped personnel who specialize in organizing and conducting major evidence recovery operations. An individual ERT normally consists of a team leader and six to eight members, each having certain designated responsibilities. ERTs are prepared to respond to major case situations in an efficient fashion to ensure critical evidence is identified and gathered for forensic analysis. ERTs are involved in ongoing training to develop and maintain their organizational and forensic skills.

The ERT program was funded at \$2,900,000 in 1995 and 1996, and \$1,000,000 in 1997 after nonrecursals. Base level funding in 1998 is \$1,000,000. To date, funding appropriated has provided critical supplies, equipment, and travel for ERT personnel. However, ERT members are not permanent, due to transfers, retirements, promotions, or attrition for other reasons. New members must be trained and outfitted with new protective gear. For safety precautions, all ERT protective gear is individually fitted; therefore, it cannot be passed on to new team members. Additionally, new protective gear must be replaced as it becomes ineffective or unsafe. Base level funding of \$1,000,000 in 1998 is intended to address the continuing need to equip and maintain ERTs.

In 1997, the FBI received \$2,000,000 to obtain ERT trailers and an additional \$400,000 to cover the cost of in-service and specialized training for ERTs. Funding for training was not provided in amounts appropriated in 1995 or 1996. While ERT base funds for supplies and equipment will provide the ERTs with the tools necessary to function, the ERTs must also receive specialized training to acquire and maintain forensic skills. Therefore, the \$400,000 was required to cover the regular and recurring training needs of the ERT members. Training is required to reinforce the numerous perishable skills held by approximately 800 FBI employees that are currently ERT members. Of the \$2,000,000 appropriated in 1997 for ERT trailers, a total of \$400,000 will recur in 1998 for maintenance and supplies.

In a short period of time, trained ERTs have proven to be a highly productive and effective means of collecting, preserving and packaging crime scene evidence. To date, 55 field ERTs have completed the one-day orientation training, and 51 field ERTs have completed the 80 hour basic training. ERT personnel from all remaining field offices are scheduled to complete this training and once initial training is complete, advanced training will be conducted on a regional basis. Regional training will provide ERTs with a refresher course on original concepts and methodologies, as well as various new forensic techniques. Additionally, all ERT members will require specific training in blood splatter, body recovery

and human remains, emergency medical techniques, and hazardous materials.

ADVANCED RENDER SAFE TEAM EQUIPMENT

The FBI's 1997 Appropriation provided \$3,000,000 to develop and acquire an advanced, improvised explosive device (IED) "render safe" capability for deployment against large, sophisticated, inaccessible or enhanced IEDs. This funding will provide the FBI's Advanced Render Safe Teams (ARST) with advanced capabilities for detecting and remotely disarming or disabling explosive devices. Of the \$3,000,000, base funding in the amount of \$2,250,000 is required in 1998 for the following:

- The continued development and acquisition of electronic countermeasures (ECM) equipment for the disablement of radio-controlled IEDs. Radio signals are used to activate fuzing systems on an IED in order to cause detonation from a remote location on command. The ECM equipment of interest could detect and remotely jam the radio signal, thereby disabling the explosive device until it could be safely disarmed.
- The continued development and acquisition of Remote Electronic Diagnostic Equipment for the detection and neutralization of electronic timing systems. This technology will target the electronic circuitry of sophisticated IEDs and neutralize the timing and triggering system.
- The acquisition of a Robotic Access System, which has been recently developed to detect explosives in a vehicle and then gain entry into that vehicle and further determine the type of device and countermeasures needed to disable or disarm the explosive device.
- The acquisition of containment systems to mitigate the dispersal of chemical or biological agents should an IED explode. These systems consist of tents and aqueous foams which surround the explosive device and encapsulate the hazardous materials limiting dispersal.
- The development of a deployable system to inactivate or neutralize the hazardous biological, and possibly chemical, components that have been incorporated into an IED.
- The acquisition of satellite-mediated communications equipment in order that the ARST can communicate with experts and archives at remote locations during operational deployments and exercises. This will permit real-time access to resources which would greatly increase the probability of success against a threat or device.
- A set of fully equipped vehicles which can be driven or air-transported to a site for use as a technical laboratory and forward base of operations for the ARST.

The FBI envisions ARST as an 8-person team of experts, empowered with an intense array of specialized training and practice, and equipped with a suite of advanced technologies. This capability is unique in the civilian aspect of the Federal Government. The requirement for the creation, development and equipping of the ARST is evidenced by the rash of high visibility and impact bombings over the last several years and the expectation that such activities will continue indefinitely. The law enforcement community believes the bomb has become the weapon of choice of terrorists. IEDs are continually increasing in size, sophistication and resulting damage. The establishment, training, and equipping of ARSTs, as well as the development of new technologies, provides American law enforcement and the public a new and powerful option for preventing or defeating terrorist activities which involve explosive devices.

Further, there is considerable concern throughout government at all levels that America is considerably vulnerable to incidents which involve the dispersal of hazardous CBN materials. Any such occurrence could be potentially disastrous in any number of ways (lives, economics, and infrastructure). Fully equipped ARST complements the recent and parallel creation of the Hazardous Materials Response Program, also based in the FBI Laboratory. The HMRP targets illicit acts (terrorist, criminal, environmental) which involve the use of hazardous CBN materials. The Hazardous Materials Response Unit (HMRU) has already been established with applications for permanent resources in progress. Even though the HMRU is quite new, it has made significant positive impact on the Federal CBN counterterrorism environment. For example, the FBI Laboratory organized the first-ever comprehensive CBN response at the 1996 Olympic Games. This is the model upon which a comprehensive national program will be built. The FBI asserts that a similar result would occur from a fully equipped ARST.

MOBILE DEPLOYMENT LABORATORIES

Over the last several years, the FBI Laboratory has been called to deploy its scientific capabilities to a number of remote locations throughout the U.S. and around the world. The frequency of the need for these deployments is steadily rising, as evidenced by events such as the bombings of Pan Am Flight 103 (Scotland), World Trade Center (New York), U.S. Military Assistance Command facilities (Riyadh and Dhahran, Saudi Arabia), UNABOM (several U.S. locations including the suspect's remote Montana cabin), the Murrah Federal Building (Oklahoma City), TWA Flight 800 (Long Island, New York) and the Olympic Centennial Park (Atlanta).

The 1997 Appropriation provided the FBI with \$1,200,000 in VCRP funding to design, procure and fully equip two mobile, modular laboratories deployable by ground, sea or air to support on-site forensic analyses and examinations in a wide spectrum of environments. This funding provides for the purchase of host vehicles, such as a truck and/or trailer which can be towed by these or other vehicles; chemical, biological and physical analysis instrumentation and mini-laboratories which can be modularly installed or carried in the trucks and trailers; advanced communications and imagery equipment which provides support to crime scene command and control and search personnel; voice and data communications with a field office; the FBI's Strategic Investigative Operations Center (SIOC); and other locations; computer systems for documentation, graphics and evidence control; and logistics to establish and maintain a forward scientific operations center. Of the \$1,200,000 enhancement, the FBI proposes a recurl of \$240,000 in FY 1998 to outfit and maintain the mobile deployment laboratories.

Multiple deployment laboratories are required to ensure the availability of laboratory support to more than a single event or location at any given moment or period of time, as exemplified by the recent simultaneous TWA 800 and Centennial Park bombings. The former necessitated a protracted field deployment of FBI Laboratory experts with

suboptimal support by laboratory instrumentation and ad hoc facilities. The investigation of the bombing in Oklahoma City was also a critical situation that required mobile deployment laboratory capability. The FBI strongly believes that it is essential to provide its examiners and technicians with deployable capabilities to best support major investigations.

CONTRACT LINGUISTS

The FBI Laboratory manages the Field Operations and Translations Program and Foreign Language Education and Measurement Program. To provide requested translation and linguist assistance to field offices, the FBI draws from both internal and external resources including: Translators, Language Specialists (LS), Contract Linguists (CL), Contract Language Monitors (CLM), Translation Agency Contract Linguists (TACL), Special Agent Linguists, and Department of Defense Linguists. For FY 1997, the FBI received a program increase of \$2,850,000 to address the rapidly escalating need for language services in Southwest Border Investigations.

The Southwest Border Project (SWBP) is a joint FBI/DEA initiative targeting the four most significant Mexican Drug Trafficking Organizations (MDTOs) which are: Juan Garcia Abrego Organization (JGAO), Amado Carrillo Fuentes Organization (ACFO), Arellano Felix Organization (AFO), and Caro Quintero Organization (CQO). In addition to targeting the four mentioned core organizations, SWBP also addresses white collar crime, public corruption, violent crime and various other criminal violations arising as a result of the drug trade.

Foreign language translation is extremely critical to SWBP investigations due to the international nexus of all of the targeted organized criminal groups which are the focus of the SWBP. CLs play a key role in the SWBP, as investigations require the use of court-approved wire-taps to develop cases. Consensual recordings and court ordered electronic surveillance pursuant to Title IIIs are the primary weapons used against the various MDTOs to gather evidence of conspiratorial activities and collect time critical intelligence facilitating seizures, arrests, and other enforcement actions which disrupt their operations. Title III implementation requires contemporaneous monitoring to accomplish statutorily required minimization. Operationally, contemporaneous monitoring is essential to effectively exploit time critical information.

CLs can staff monitoring positions utilizing their language proficiency while relieving language capable Agents for utilization in investigative and enforcement operations. Translation and transcription of Title III intercepts and consensually monitored recordings are highly advantageous in the investigative phase and indispensable in the pretrial phase when the government must comply with discovery requirements relating to the production of documentation for the defense which will be relied on at trial. Typically, these recordings are voluminous, and timely, accurate translation is essential to successful prosecution.

Consequently, VCRP base level funding in the amount of \$2,850,000 is required to continue to meet the growing demand for CL support to major investigations. The use of independent contractors and translation services is a highly effective and efficient means of obtaining linguists for languages on short notice. An average CL costs \$18.22 per hour; however, language service providers or agencies will charge as much as \$25-60 per hour.

Program measure indicators relating to the FBI's forensic programs are included under the Forensic Services Salaries and Expenses justification.

LONG-RANGE GOAL: To support the Federal and non-Federal criminal justice system by: developing an automated database of DNA patterns from evidence and/or individuals for examination and comparison; working with other laboratories to exchange information on DNA testing methods, sharing protocol, encouraging consensus on standards, and ensuring use of quality assurance and proficiency testing programs; developing a database and network software to match and exchange images of firearms evidence from violent crimes; providing a highly productive and effective means of preserving crime scenes integrity and collection of evidence; and adequately equipping laboratory technicians and examiners with the most modern technologically advanced forensic equipment.

MAJOR OBJECTIVES:

- To provide FBI Laboratory examiners, technicians, and support employees with the most modern state-of-the-art forensic laboratory facilities, equipment, instrumentation, and techniques.
- To increase the number of State and local laboratories participating in the FBI's Combined Deoxyribonucleic Acid (DNA) Index System (CODIS), DRUGFIRE, and other forensic database programs.
- To provide FBI Evidence Response Teams (ERT) with the appropriate vehicles, protective gear, technical equipment, supplies, and training necessary to conduct crime scene preservation and collection of evidence.
- To continue research, development, and implementation of mitochondrial DNA, Polymerase Chain Reaction (PCR) DNA and chemiluminescence techniques.
- To improve the timeliness of the FBI Laboratory's case turnaround time.
- To establish, manage, and administer a Federal DNA Database program.

PROGRAM INCREASES: No program increases are requested in 1998.

**Federal Bureau of Investigation
Violent Crime Reduction Program
Justification of Program and Performance
(Dollars in thousands)**

Information Management, Automation, and Telecommunications	Perm. Pos.	FTE	Amount
1997 Appropriation Anticipated
1998 Base Anticipated	\$9,059
1998 Estimate	9,059
Increase/Decrease

BASE LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: The Information Management, Automation, and Telecommunications (IMAT) decision unit serves the American public through its support to all functional areas of the FBI, investigative, law enforcement support, and management and administration. The IMAT program managers have responsibility for carrying out support functions for all FBI program activities as well as other Federal agencies. IMAT services include: the National Name Check Program (a reimbursable function); automation support for administrative and investigative purposes (CISP, DRUGFIRE, CODIS, and FOIPA Document Processing System); including Legal Attache posts; information hardware and software acquisition; crisis response (Rapid Start deployments) and special case support (OKBOMB, UNABOM, MOZARK, and the Olympics); secure and non-secure telecommunications, mail services, and office equipment and papers. Finally, the IMAT decision unit is the sole administrator for the FBI's information technology budget, acquisition, networking, and implementation.

In recent years, as investigations have become more complex, investigative efforts have increasingly required more sophisticated information processing capabilities. Since these investigations often involve massive volumes of information and multiple jurisdictions, the FBI uses computers to facilitate the collation and analysis of information within the central file system.

In addition, criminal organizations have embraced automation as a means to enhance their operations and have spawned new categories of crimes the FBI is required to investigate. Examples are illegal data manipulation, software piracy, embezzlement by computer and deliberate break-ins to computer networks by hackers. As the world becomes computerized, so must the FBI to keep pace and to maintain preeminence in the field of law enforcement.

The IMAT provides the means for FBI agents and analysts to gather, store, process, and analyze information to successfully investigate, arrest, and prosecute criminals. With the expansion of the FBI's responsibilities into the international arena and the broadening of its role in such significant areas as counterterrorism, drugs, and the threat to the nation's

infrastructure, today's law enforcement activities are becoming increasingly multi-jurisdictional. DRUGX (a common FBI/DEA database), the establishment of a direct link between the FBI and the Treasury Enforcement Communications System (TECS), and the use of the INTELINK system for enhanced information sharing are especially beneficial when compared to duplicative and time-consuming procedures used to accomplish this exchange without information technology. The FBI has acquired a base technical infrastructure of desktop and portable workstations, mainframe computers, and local and wide area networks. In order to continually meet the challenges presented to investigators, the FBI must acquire and implement more sophisticated investigative support tools, have the capability of sharing information electronically with other agencies, and continue to provide security for the information gathered.

An initial capability in information sharing is being achieved with IMAT base funding. The FBI will begin efforts to comply with the Information Technology Management Reform Act of 1996 with available base resources. The IMAT has implemented a Trusted Guard, which permits networks operating at dissimilar classification levels to share information with DEA and to allow the FBI access to TECS. The IMAT is implementing the Novell network operating system in field offices and at FBIHQ to support a client-server architecture. Base level funding has also provided for a prototype of the document information management capabilities at FBIHQ only.

The FBI provides ongoing efforts to include a Litigation Support prototype as a part of the FBI's prototyping within this initiative. The FBI is working on the development of a secure link to the Internet through the FBI network. This connection will provide access to the private and commercial world. The FBI is building the Law Enforcement Online (LEO) system which provides information sharing capabilities to State and local law enforcement groups.

The FBI is also committed to following the technology of voice processing and voice input to digital and communications equipment. The same is true for multimedia technology, which includes a capability to create, transmit, and present electronic documents or files that integrate information in various forms, including text, images, audio, and video. FBI files contain mainly text documents, but are supplemented with non-textual materials such as videotapes, photographs, and audio tapes.

The FBI utilizes a central records system for maintaining its investigative, personnel, applicant, administrative, and general files. This system consists of a numerical sequence of 281 subject matter files, an alphabetical index to the files, providing cross reference, and a supporting abstract system.

The IMAT is responsible for the operation and management of three mainframe computer centers. These centers, which include the FBI Computer Center located at FBIHQ and regional support centers located at Pocatello, Idaho and Clarksburg, West Virginia, support communications and network requirements of the 56 FBI field offices and 400 resident agencies. Each of the regional support centers contains two independent systems. These systems provide internal back-up within each of the centers and allow each center to back up the critical applications of the other. All applications and databases are copied to tape and stored at offsite locations.

Information collected and analyzed by FBI Agents in criminal investigations and used by U.S. Attorneys in the prosecution of cases is a basic commodity of the FBI. Without reliable and timely information, the FBI as an organization cannot be effective. Enhanced technological capability - and the associated productivity increases - will be a primary vehicle for the FBI to maintain its leadership position in the law enforcement community.

vehicle for the FBI to maintain its leadership position in the law enforcement community.

LONG-GOAL: To develop and implement a comprehensive, global information system that supports the FBI's major criminal investigative and counterintelligence initiatives, shared access and shared processing of investigative information among law enforcement and criminal justice agencies and national security information within the intelligence community.

MAJOR OBJECTIVES:

- To modernize and augment computer equipment, software applications, and telecommunications networks within the FBI's current infrastructure to facilitate the necessary transition to a distributed computing environment which will use state-of-the-art tools for information collection, management, analysis, and exploitations.
- To expand and broaden the FBI's current environment for the multi-agency cooperation and collaboration essential for dealing with such initiatives as counterterrorism (including threat, from chemical or biological agents), economic crime, organized crime, drugs, international law enforcement, and the growing threat to the nation's information infrastructure.
- To provide the necessary tools to analyze investigative and intelligence information as thoroughly as possible to ensure that innocent American citizens are protected from acts of terrorism, threats of hostile foreign governments, dangers of illegal drugs, violence in the streets, and criminal attacks on their financial interests.
- To protect the privacy of citizens and secure sensitive and classified data from hostile elements.
- To provide all the information necessary to ensure that the American national infrastructure is properly protected.

PROGRAM INCREASE:

Initiative: Investigative Infrastructure
Item: FOIPA Document Processing System (FDPS) - \$9,059,000

The Information Management, Automation and Telecommunications (IMAT) decision unit is requesting \$9,059,000 for FOIPA Document Processing System (FDPS) development.

The goal of the FDPS is to enhance technology applications to improve the quality and timeliness in processing FOIPA requests. The FDPS will eliminate manual work procedures by electronically networking all FOIPA employees at FBIHQ and 56 field offices as well as approximately 50 employees in the Office of General Counsel for civil

discovery and information privacy litigation purposes. Today, the majority of the FDPS user group rely on manual methods to perform their work. Using FDPS, FOIPA requests can be forwarded to the analyst in electronic case folders for on-screen data review, allowing annotations, redactions, and markings of exemption codes to be performed electronically. Information could then be released to a requester in either hard copy or electronic format.

The FBI is developing the FDPS to fully automate the FBI's FOIPA function. During 1994, the Department of Justice (DOJ) recognized the FBI's FDPS as a National Performance Review (NPR) laboratory. The FBI's FDPS is not specific to the FBI, rather, it incorporates off-the-shelf software packages to achieve full functionality. The DOJ has provided \$3 million through the Working Capital Fund (WCF) to develop a rapid prototype of the desired system and to begin development of the actual FDPS.

During 1996 the Attorney General recognized the FOIPA program, as well as, FDPS development as a major Department of Justice initiative. The Attorney General called for more strict management of the FOIPA program and a significant decrease in the backlog of requests by late fiscal year 1997. As a result, the FBI has performed an internal analysis of its FOIPA operations and determined some procedural changes could be made to make the process more efficient. Consequently, the FBI has begun to streamline the operation. It is expected that this business process re-engineering effort will result in at least a ten percent productivity gain during fiscal year 1997.

The implementation of an automated document processing system will allow the FBI to achieve compliance with the Attorney General's mandate for reducing the backlog of FOIPA requests. The quality and reliability of reviews would be improved, thereby reducing the risk of accidental disclosure of sensitive information. The FDPS will permit the FBI to meet the openness in government objectives and will concurrently protect information related to national security, sensitive case files, investigative techniques, and informants.

FDPS development is being pursued by both FBI and contract personnel. To date, these individuals have: (1) completed the functional requirements analysis, (2) developed and implemented a modified Request Tracking System, and (3) developed a stand-alone redaction system using commercial off-the-shelf products. In addition, the FBI is developing a pilot project to test the viability of the automated redaction process under actual work conditions and to produce records in electronic format. Four FOIPA employees would be employed as the user group for this pilot project. This pilot project would facilitate automating the FBI's reading room as well.

The FBI's focus on FOIPA issues was further emphasized during late 1996 with the passage of the Electronic Freedom of Information Act (EFOIA) of 1996. The EFOIA institutes a number of modifications to the Freedom of Information Act of 1996 (5 U.S.C. Section 522). The EFOIA requires all agencies to provide public information to requesters in electronic format (Compact Disc (CD) or floppy diskette). The EFOIA requires that computer-based information in addition to paper records kept by agencies be subject to review for classification. This includes electronic mail. If an agency cannot currently produce responses in electronic format, a method must be instituted immediately. Each agency is encouraged to begin automating its public reading rooms and FOIA libraries for ease in public access. All "reading room" material created on or after November 1, 1996, must be available in electronic format by November 1, 1997. In addition, the FBI is requesting 239 positions, 120 workyears, and \$11,394,000 for EFOIA in the Salaries and Expenses appropriation account.

The EFOIA would require agencies to indicate the amount of information deleted in response to a FOIA request, unless such an indication would harm an interest protected by an

exemption. The Act imposes a technical feasibility standard for such specifications. Upon completion, the FBI's FDPS would satisfy all technical standards required by EFOIA statutes. The FBI's FDPS is being designed to show the quantity of redacted material, shown as a gray-shaded area, on each page of response presented to a requester.

Most provisions of the EFOIA become effective one year after the date of enactment and others, 180 days after enactment. FDPS development and implementation is imperative for FBI compliance with the EFOIA. Despite the FBI's re-engineering efforts, the EFOIA places additional demands on the FBI's FOIPA operation that can only be remedied by an enhanced level of funding for FDPS development. For these reasons, the FBI requires \$9,059,000 to continue development of the FDPS in order to comply with the EFOIA. The FBI's successful completion and implementation of the FDPS would promote a higher level of operating efficiency and ultimately optimal public confidence and satisfaction.

**Federal Bureau of Investigation
Violent Crime Reduction Program
Justification of Program and Performance**
(Dollars in thousands)

Technical Field Support and Services	Perm.		ETE	Amount
	Pos.			
1997 Appropriation Anticipated	6	5		\$79,468
1998 Base Anticipated	6	6		89,517
1998 Estimate	8	7		95,517
Increase/Decrease	2	1		\$6,000

BASE LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: The Violent Crime Control and Law Enforcement Act of 1994 established and authorized the Violent Crime Reduction Program (VCRP). The anticipated 1997 Appropriation includes a VCRP allocation of \$79,468,000 under the Technical Field Support and Services (TFS&S) Program to finance Advanced Telephony, Tactical Operations, Federal Wireless Communications, and Infrastructure initiatives. For 1998, base level funding of \$89,517,000 will be used to continue the Advanced Telephony (\$34,505,000), Tactical Operations (\$23,074,000), Federal Wireless Communications (\$8,762,000), Antenna Site Lease (\$7,797,000) and Automobile (\$15,379,000) programs. Base funding in 1998 reflects a transfer of \$6,715,000 from Salaries and Expenses automobile funding to the VCRP. Performance indicator data for items are included in the FBI's Salaries and Expenses narrative section.

The Advanced Telephony Program (ATP) focuses on the emergence of digital technology and new telecommunications services that are flooding our society and their impact on law enforcement. In order to maintain court-authorized electronic surveillance capabilities, law enforcement must continue an aggressive development effort to keep pace with the rapidly changing products and services of the telecommunications industry. Until recently, the telecommunications industry had remained virtually unchanged for approximately 50 years. For the most part, the services offered were wireline analog voice; however, the 1980s witnessed the emergence of cordless and cellular telephones, the proliferation of facsimile machines, and the promise of high speed transmission of video, voice, and data. The factors driving these changes are twofold. First, the presence of computers and related digital technology has caused a transition to the information age and a need for timely and voluminous exchanges of information. A second factor in the emergence of new telecommunications services is the increased need for mobility as evidenced by the usage of cordless and cellular phones and paging devices.

In 1998, it is estimated that approximately 65 million cordless phones, 50 million cellular phones, 30 million paging devices, and 8 million personal communications services phones will be in use in the United States. These new services and the need for mobility are the driving forces responsible for the 1990s emergence of advanced telecommunications technologies, such as the ISDN, advanced cellular and personal communications networks, and enhanced services and features as a result of intelligent networks. The impact that this technology is having, and will continue to have, on law enforcement cannot be overstated. This technology is expanding; the industry is fiercely

competitive with new products and services introduced continuously. These products represent fundamental changes in the way people and businesses communicate, and they pose unprecedented challenges to the electronic surveillance capabilities of the FBI and the entire law enforcement community. Because electronic surveillance is utilized by all levels of law enforcement to combat illegal drugs, violent crime, espionage, white-collar crime, and organized crime, the loss of these techniques would have a devastating impact on the fight against crime.

The Network Access Development Unit is charged with ensuring the ability of the FBI to collect evidence and intelligence through the development, deployment, and support of intercept capabilities on communications networks. This includes the development of public and private communications network intercept capabilities which are independent of carriers' access solutions developed under the Communications Assistance for Law Enforcement Act, private communications network capabilities developed through cooperation with Internet access providers and information service providers, and deployment and support of unique, application-specific public and private communications network intercept systems.

Individuals are becoming increasingly sophisticated in the use of state-of-the-art technology to implement and conceal their illegal activities. Not only are high technology systems used for voice communications, but increasingly, more information is recorded, stored, copied and/or transmitted by electronic means. The Sensor Development and Deployment Unit is responsible for providing the technology to support covert audio and plain text machine intelligence collections from all criminal, counterterrorism, and counterintelligence targets. The Collection and Information Management Unit provides the advanced telephony equipment and systems required to insure that the FBI is able to maintain electronic surveillance capabilities.

The Signal Analysis and Processing Unit is responsible for the solution of encryption problems. Commercial cryptography has been introduced which provides protection to conventional and cellular telephone, facsimile, data, and radio communications systems. Today, approximately 500 different encryption schemes are offered on the market to the public, commercial, and government customers. Therefore, in order to maintain court-ordered electronic surveillance capabilities, law enforcement must continue an aggressive development effort to keep pace with rapidly changing products and services of the telecommunications industry. The FBI and law enforcement have seen a marked increase in the demand and use of encryption over the past four years. The advances in, and proliferation of, digital technologies have vastly complicated law enforcement's task of processing lawfully intercepted communications and electronically stored information. Encryption, once solely the purview of military and the government, is now readily available and accessible commercially to the general public. Today the encryption market offers products to protect voice communications, digital data communications, disk files, electronic mail, video, and facsimile. A 1996 survey of law enforcement agencies conducted by the National Institute of Justice revealed that 28.4 percent of the survey's respondents have encountered encryption, voice scrambling, or other surveillance countermeasures during criminal investigations. Criminal elements are employing encryption and other digital technologies, and that usage is likely to increase.

The Tactical Operations Unit conducts research and development and provides access control equipment to all FBI locations. Funding provided is allowing aggressive research and development and will aid in addressing current workloads compounded by rapid changes in lock and alarm technology.

The Public Safety Wireless Advisory Committee (PSWAC) and the Federal Law Enforcement Wireless Users Group (FLEWUG) will define the narrow band digital technology

and the features necessary to ensure interoperability with other Federal, State and local law enforcement agencies. The FLEWUG was formed on April 20, 1994, in response to the National Performance Review's Information Technology Initiative 04, "Establish a National Law Enforcement/Public Safety Network." The FLEWUG is co-chaired by the FBI and the United States Secret Service. This initiative requires a multi-year commitment of funds to plan, test, and prepare for the full-scale implementation of a national law enforcement/public safety wireless communications network. The FLEWUG Program Management Office will conduct projects to develop a nationwide wireless network and support the interoperability, functional, management, technical, and spectral requirements.

The FBI's Encrypted Land Mobile Radio System (ELMRS) supports all FBI investigations and provides for interoperability between Government agencies, task forces and FBI personnel during emergency situations. The ELMRS infrastructure would cease to exist if the antenna sites or the telephone data circuits which remotely control the radio equipment located at the antenna sites were reduced or eliminated. The ELMRS is undergoing continuing modification and enhancement to meet the changing requirements of FBI investigations. Additional coverage to extend communications into rural areas, enhanced coverage in metropolitan areas to provide hand-held communications, additional radios for task forces, and radios for FBI to local police communications are key needs. By 1998, many of the FBI's radio systems will have been operational in excess of 10 years, requiring more frequent and costly maintenance.

In the coming years, the FBI will place a high priority on the maintenance, support and enhancement of these existing systems to carry them into the next century, at which time the next generation radios based on narrowband digital technology will have been identified. Therefore, it will be five to ten years before the FBI will be prepared to install a new generation radio system. Until such time as this next generation system can be analyzed, defined, and engineered, the only option left to the FBI is to maintain the existing system, making selective improvements and technology insertions when there are warranted operational requirements.

Finally, the FBI's vehicle fleet continues to age and complete mileage at an alarming rate. The number of vehicles which exceed the FBI's internal mileage ceiling of 80,000, the maximum mileage for operating safe and reliable vehicles for law enforcement purposes, must be reduced. In 1998, the FBI will have 1,252 vehicles with mileage exceeding 80,000. Increased vehicle downtime forces the FBI to use costly rental vehicles which lack the proper law enforcement equipment, such as DVP radios, for some mission requirements. Base level funding of \$15,379,000 would enable the FBI to purchase 877 replacement vehicles. The total motor vehicle base funding will allow the FBI to reduce the number of vehicles exceeding 80,000 miles from 1,252 to 533. This level of funding greatly enhances the ability of the FBI to replace older high mileage vehicles. Recurring these funds through 1999 would enable the FBI to eliminate all vehicles with mileage of 80,000 or greater. With this level of funding, the FBI's replacement cycle decreases from eight to five years.

LONG-RANGE GOALS: To provide engineering services, technical support, and equipment to FBI field offices and conduct necessary research and development to adapt technology for deployment against criminal and terrorist activities.

To provide safe and reliable vehicles to support FBI investigative requirements.

MAJOR OBJECTIVES:

To establish a national wireless network to support the Federal law enforcement communications requirements.

To provide radio communications and technical equipment in support of field investigations.

To conduct research and development in support of new technologies in an effort to produce state-of-the-art investigative techniques.

To provide safe and reliable automobile transportation with less vehicle downtime and cost for repairs and maintenance costs, thereby increasing investigative ability.

To reduce the number of vehicles with mileage exceeding 80,000 miles.

PROGRAM INCREASES: For 1998, program increases of two positions, one workyear and \$6,000,000 are requested for replacement microwave equipment under the Investigative Infrastructure Initiative.

Initiative: Investigative Infrastructure

Item: Mandated Replacement of Microwave Equipment - 2 Pos., 1 FTE, \$6,000,000

Funding totaling \$6,000,000, consisting of two Electronics Technician (ET) positions and personnel funding of \$225,000 and nonpersonnel funding of \$5,775,000 is requested to purchase equipment and services to begin the mandated replacement of microwave equipment currently operating in the 1710-1755 megahertz band. Title VI of the Communications Licensing and Spectrum Allocation and Improvement of the Omnibus Reconciliation Act of 1993 requires the FBI and other Federal users of a selected portion of the microwave spectrum to vacate this spectrum. The Federal Communications Commission will be reassigning these frequencies to non-Government users; therefore, the FBI must vacate this band by 2004 in U.S. cities and acquire replacement equipment operating on other frequencies or wireline services. The FBI uses the 1710-1755 megahertz band in 24 of its 56 field offices. The total nonpersonnel cost of migrating from the 1710-1755 band width is estimated at \$30,000,000. The FBI proposes a six-year transition plan beginning in 1998. The nonpersonnel enhancement of \$5,775,000 would start this process by purchasing equipment, testing and optimization services for this conversion. The two ETs are requested to support conversions of these 24 microwave systems. There is no base funding for migration from radio spectrum transferred to the private sector. Private vendors are not required to reimburse the FBI for spectrum. Voluntary reimbursement appears unlikely.

Based upon prior experience utilizing contractor support for this type of work, funding is requested beginning in 1998 to insure that the transfer is accomplished within the mandated time period. Difficulties in acquiring service contracts (a competitive procurement of this scale will typically take up to nine months to award), technical issues with replacement equipment, and issues with radio site vendors will predictably extend implementation. Based on recent experiences in the Washington Field Office with the procurement and implementation of wireline services to support radio communications, the time required to replace the microwave in the affected field offices will extend this

project through December 2003. Because of the extensive size of the network, the remoteness of many sites, and the anticipated difficulties in replacing existing microwave links with alternative frequencies, the process of vacating will take from 1998 to 2003 to minimize disruption to the following 24 affected field offices.

1. Boston	4. Pittsburgh	7. Philadelphia	10. Baltimore	13. Detroit	16. Las Vegas	19. Kansas City	22. St. Louis
2. San Francisco	5. Los Angeles	8. Dallas	11. New Orleans	14. Indianapolis	17. Houston	20. New Haven	23. Tampa
3. Cleveland	6. El Paso	9. Miami	12. Atlanta	15. San Juan	18. Jacksonville	21. Newark	24. Oklahoma

The FBI will prioritize replacement of field office systems depending upon the private sector use of transferred spectrum. It is believed that switching to leased services at an estimated cost of \$1,000,000 per year per office may provide the most cost effective method of replacing 18 of the 24 microwave links. Leased services include the cost to lease wireline services, the cost of capital equipment, ordering the wireline service, installation of the new service, removal of old microwave equipment, and the first year of recurring charges for the service.

In six of the 24 field offices (El Paso, Indianapolis, Los Angeles, Philadelphia, Pittsburgh, and San Juan), the FBI does not have the option of switching to leased services and must exchange the affected 2 gigahertz microwave with 7 gigahertz. In some areas, such services are not available. In others, there are extenuating circumstances which require the continued use of the microwave such as microwave sharing agreements and memoranda of understanding with other State and local entities. It is estimated this will require \$1,500,000 per office or a total of \$9,000,000 to cover the cost of replacing the microwave radios and antennas with 7 gigahertz equipment. The \$1.5 million is based upon 15 links per field office at \$100,000 each. The following chart shows the six-year funding requirements by fiscal year (FY). This \$10,000,000 initiative would cost \$5,775,000 in 1998; \$6,225,000 in 1999; \$6,000,000 in 2000; \$4,500,000 in 2001; \$5,500,000 in 2002; and \$2,000,000 in 2003.

Costs to Replace Microwave Equipment in the 1710-1755 Megahertz Band by FY

	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	Total
Wireline Lease Cost/Office	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Number of Field Offices	3	3	3	3	4	2	18
Total - Wireline Lease	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$4,000,000	\$2,000,000	\$18,000,000
Microwave Exchange Cost/Office	\$0	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000
Number of Field Offices	0	2	2	1	1	0	6
Total - Microwave Exchange	\$0	\$3,000,000	\$3,000,000	\$1,500,000	\$1,500,000	\$0	\$9,000,000
Services Contract	\$2,775,000	\$225,000	\$0	\$0	\$0	\$0	\$3,000,000
Grand Total	\$5,775,000	\$6,225,000	\$6,000,000	\$4,500,000	\$5,500,000	\$2,000,000	\$30,000,000

For 1998, a nonpersonnel enhancement of \$5,775,000 is requested to lease wireline services for three field offices at \$1,000,000 each and to fund a services contract of \$2,775,000 to provide the necessary design and installation services required. The services contract is required to provide equipment installation services where microwave is being replaced with wireline services or microwave in an alternate frequency band. The contract will be used to install and optimize new equipment and also to remove the replaced equipment. This would include removal of microwave antennas and feedline presently installed on towers and buildings. The replacement of the microwave with new microwave in another frequency band will require the installation of new microwave antennas and system optimization. Tower and antenna installation are very expensive, usually requiring special contractors authorized to do this work. The cost of the services contract was determined by comparison with costs incurred for similar services in existing services contracts.

Two ETs are requested to design the required system changes and act as project managers coordinating the work of the services contractor. The requested ETs must be on board as early as possible to acquire the required training and experience to properly design and implement the required replacements. If funding is delayed, future budget requests would require staffing above the two in order to meet the mandated deadlines. The following chart shows projected installation timelines based on a realistic and measured installation plan.

MICROWAVE SPECTRUM COMPLIANCE PROGRAM FISCAL YEARS 98 - 03

ID	Item	1998	1999	2000	2001	2002	2003
1	Amplifier Service Contract	1998					
2	Design & install Boston wireline system & remove existing 2-ohm n/w	1998					
3	Design & install San Francisco wireline system & remove existing 2-ohm n/w	1998					
4	Design & install Cleveland wireline system & remove existing 2-ohm n/w	1998					
5	Design & install Pittsburgh 7-ohm digital microwave system	1998					
6	Design & install Los Angeles 7-ohm digital microwave system	1998					
7	Design & install St. Paul 7-ohm digital microwave system	1998					
8	Design & install Philadelphia 7-ohm digital microwave system	1998					
9	Design & install Dallas wireline system & remove existing 2-ohm n/w	1998					
10	Design & install New Orleans wireline system & remove existing 2-ohm n/w	1998					
11	Design & install Baltimore wireline system & remove existing 2-ohm n/w	1998					
12	Design & install New Orleans wireline system & remove existing 2-ohm n/w	1998					
13	Design & install Atlanta wireline system & remove existing 2-ohm n/w	1998					
14	Design & install Detroit wireline system & remove existing 2-ohm n/w	1998					
15	Design & install Indianapolis 7-ohm digital microwave system	1998					
16	Design & install San Juan 7-ohm digital microwave system	1998					
17	Design & install San Francisco wireline system & remove existing 2-ohm n/w	1998					
18	Design & install Houston wireline system & remove existing 2-ohm n/w	1998					
19	Design & install Jacksonville wireline system & remove existing 2-ohm n/w	1998					
20	Design & install Kansas City wireline system & remove existing 2-ohm n/w	1998					
21	Design & install New York wireline system & remove existing 2-ohm n/w	1998					
22	Design & install North wireline system & remove existing 2-ohm n/w	1998					
23	Design & install St. Louis wireline system & remove existing 2-ohm n/w	1998					
24	Design & install Tampa wireline system & remove existing 2-ohm n/w	1998					
25	Design & install Oklahoma wireline system & remove existing 2-ohm n/w	1998					

**Federal Bureau of Investigation
Violent Crime Reduction Program
Justification of Program and Performance
(Dollars in thousands)**

Criminal Justice Services	Pos	EIE	Amount
1997 Appropriation Anticipated	\$28,490.
1998 Base Anticipated
1998 Estimate
Increase/Decrease

BASE-LEVEL CAPABILITIES/STRATEGIC ASSESSMENT: President William J. Clinton signed the Brady Handgun Violence Prevention Act (hereafter the Brady Act) on November 30, 1993. The Brady Act directs the Attorney General to establish within 60 months after enactment, "a national instant criminal background check system that any Federal Firearms Licensees may contact, by telephone or by other electronic means in addition to the telephone, for information, to be supplied immediately, on whether receipt of a firearm by a prospective transferee would violate Section 922 of Title 18, United States Code or State law."

The interim provisions of this Act became effective on February 28, 1994. The FBI, acting at the behest of the Attorney General, has taken the lead in determining the requirements for a permanent national system. Following planning conferences with State and local officials in January and February 1994, a task group of law enforcement officials was formed. This group met with the FBI in April 1994 to develop a general implementation approach for the provisions of the Act. The proposed approach was presented to the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB) in May 1994, for their review and recommendations. The Attorney General published a notice in June 1994, specifying how the instant check system (hereafter called the National Instant Check System (NICS)) would generally operate by November 1998. Once developed, the NICS will provide a centralized system for accessing information on persons who are prohibited from purchasing firearms, some of which is not currently automated, and provide that information to authorized agencies in a timely, accurate and complete manner.

Specifically the FBI was tasked to: (1) gather information and develop proposals regarding the specific design of the NICS; (2) identify and collect data on persons prohibited from purchasing firearms for the Federal segment of NICS; (3) develop standardized policies and procedures for storing, retrieving and transmitting data contained in the NICS; (4) propose guidelines for protecting the security and integrity of the system; and (5) adopt regulations and guidelines for safeguarding the privacy of individuals contained in NICS.

The FBI received a total of \$16,000,000 through the Office of Justice Programs to provide interim Brady Act support and compliance. In 1994, \$10,000,000 was provided to upgrade existing computer capacity to handle the increased volume of Interstate Identification Index (IJI) inquiries resulting from Brady Act compliance. In 1995, \$6,000,000 was provided to support the development of the NICS functional requirements and to fund the required design specifications and required systems integration and engineering services to support the NICS effort.

Full compliance with the Brady Act's permanent provisions prohibits the transfer of firearms to unauthorized persons and requires the establishment of NICS by November 30, 1998. Disqualifying factors for firearms possession under the Brady Act are not limited to criminal history record information. According to Section 922 (d) of Title 18, it is unlawful to sell a firearm to anyone who is (1) under indictment or has been convicted of a felony within a sentence of at least one year; (2) a fugitive; (3) a user of or addicted to any controlled substances; (4) adjudicated as a mental defective or committed to any mental institution; (5) an alien who is illegally or unlawfully in the U.S.; (6) dishonorably discharged from the Armed Forces; (7) a citizen who has renounced citizenship; and (8) subject to a court order restraining such person from harassing, stalking, or threatening an intimate partner or child of such partner or person. Most existing law enforcement systems are limited to criminal history data (arrests, adjudications, confinements) and information on fugitives from justice. Existing FBI information systems neither contain data nor interface with systems containing data on substance abusers, persons with mental conditions, etc., unless these persons have been arrested and fingerprinted. Consequently, the FBI's interim Brady Act capabilities, which are limited to criminal history, must be expanded to comply with the Act's permanent provision requirements.

The Department of Justice Appropriations Act, 1997, P.L. 104-208, included \$20,240,000 for system development and integration of the NICS into the FBI's existing information and identification systems. These funds were nonrecurred in the 1998 base. The Criminal Justice Information Services (CJIS) Division serves as the program manager responsible for ensuring that the NICS is operational by November 30, 1998. The CJIS Division formulated baseline functional requirements for the NICS, which have been approved and adopted by the CJIS APB. The CJIS Division has contracted with a development vendor, the Science Applications International Corporation (SAIC), to incorporate the approved functional requirements into the NICS.

The Congress also appropriated \$8,250,000 for development of two additional files for the National Crime Information Center (NCIC) 2000 system. The initial appropriation for NCIC 2000 did not include funding for the development of several files that have since been either mandated by Executive Order or recommended by the criminal justice user community. Specifically, funding was appropriated in 1997 for the Protective Order File and the Deported Felon File and this funding was nonrecurred in the 1998 base.

LONG-RANGE GOAL: To prevent the illegal receipt or possession of firearms under Federal or State law by providing the local, State, and Federal criminal justice community the capability to immediately identify persons prohibited from receiving or possessing firearms.

MAJOR OBJECTIVE: To develop and implement an on-line National Instant Check System (NICS) by November 30, 1998, in order to comply with the mandate cited in the Brady Handgun Violence Prevention Act (P.L. 103-159).

PROGRAM INCREASES: There are no program increases included in the Criminal Justice Services decision unit budget for 1998.

PERFORMANCE MEASURES: Performance measurement data is included in the Salaries and Expenses submission for the Criminal Justice Services decision unit.

Federal Bureau of Investigation
Violent Crime Reduction Program
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Organized Criminal Enterprises Increases		Other Field Programs Increases		Information Mgmt. Autom. & Telecomm. Increases		TFS & S Increases		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades										
GS-15										
GS-14										
GS-13										
GS-12							2	\$112	2	\$112
GS-11										
GS-9										
GS-7										
GS-5										
Total positions and annual rate							2	112	2	112
Lapse (-)							(1)	(56)	(1)	(56)
Other personnel compensation									2	2
Total workyears and personnel										
Compensation							1	56	1	56
Personnel benefits								17	17	17
Travel and transportation of persons								3		923
Transportation of things				\$520						
GSA rent								6	6	6
Rental payments to others										
Comm. utilities and misc charges								2	2	2
Printing and reproduction										
Advisory and assistance services				2,930						2,930
Other services		\$2,000		6,620				15		10,635
Research and development contracts										
Operations/maintenance of equipment										
Supplies and materials				1,830				1	1	1
Equipment								5,898		16,787
Land and structures										
Total program workyears and obligations		\$2,000		\$13,900			1	\$6,000	1	\$30,059
Change requested, 1997										

Federal Bureau of Investigation
Violent Crime Reduction Program
1998 Priority Rankings

BASE PROGRAM		PROGRAM INCREASES	
Program	Ranking	Program	Ranking
Technical Field Support and Services	1	Other Field Programs	1
Forensic Services	2	Technical Field Support and Services	2
Other Field Programs	3	Information Management, Automation and Telecommunications	3
Training, Recruitment, and Applicant	4	Organized Criminal Enterprises	4

Federal Bureau of Investigation
Violent Crime Reduction Program
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996		1997		Adjustments to Base		1998 Program Increases		Total	
	Auth.	Reimb.	Auth.	Reimb.	Auth.	Reimb.	Auth.	Reimb.	Auth.	Reimb.
Criminal Investigative Series (1811)	127	...	...	...	...	...	...	...	...	...
Fingerprint Identification (072)	79	...	...	...	...	...	...	...	...	...
Administrative and Clerical	171	...	6	...	...	...	2	...	8	...
Investigative and Technical Support	...	...	...	...	...	...	...	...	...	...
Total	377	...	6	...	...	...	2	...	8	...
Washington	169	...	...	...	...	...	...	...	...	...
U.S. Field	208	...	6	...	...	...	2	...	8	...
Foreign Field	...	...	...	...	...	...	...	...	...	...
Total	377	...	6	...	...	...	2	...	8	...

Federal Bureau of Investigation
Violent Crime Reduction Program
Summary of Special Agents and Support Positions/Workyears
FY 1997 - 1998

Appropriated Positions/Workyears

	1997 Appropriation Anticipated				1998 Increases/(Decreases)				1998 Request Level			
	Agent Pos.	FTE	Pos.	Total	Agent Pos.	FTE	Pos.	Total	Agent Pos.	FTE	Pos.	Total
Decision Unit
Organized Criminal Enterprises
White Collar Crime
Other Field Programs
Training, Recruitment and Applicant
Forensic Services
Information Management, Automation,
and Telecommunications
Technical Field Support and Services	...	6	5	6	...	2	2	2	...	6	7	7
Criminal Justice Services
Management and Administration
Total	...	6	5	6	...	2	2	2	...	6	7	7

Federal Bureau of Investigation
Violent Crime Reduction Program
Summary of Change
(Dollars in thousands)

	Perm Pos	WY	Amount
1997 Appropriation Anticipated (Direct)			\$169,000
Adjustments to Base			169,000
Transfer from Salaries & Expenses	6	5	
Increase (Direct)			6,715
1998 Pay Raise			6,715
Annualization of 1997 Pay Raise			0
Annualization of 1997 Positions		1	209
General Pricing Level Adjustments			47
Total, Increases (Direct)		1	5,547
			5,812
Decreases			(28,555)
Nonrecrual of 1997 Increases			(4,810)
Nonrecrual of 1997 Counterterrorism Amendment			(33,365)
Total, Decreases			
1998 Base (Direct)	6	6	148,162
Program Increases (Direct) (See Program Narrative for Details)	2	1	30,959
1998 Estimate (Direct)	8	7	\$179,121

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Federal Bureau of Investigation
Justification of Adjustments to Base
Violent Crime Reduction Program
(Dollars in thousands)

Transfers to and from other accounts:

1. <u>Transfer from Salaries and Expenses</u>	Perm Pos.	WY	Amount
In 1998, a total of \$6,715,000 from the Technical Field Support and Services program is being transferred from Salaries and Expenses to the Violent Crime Reduction Program.	...	...	\$6,715
<u>Total, transfers</u>.....	...	...	\$6,715

Increases:

1. <u>1998 pay increase</u>.....	...	...	\$9
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$9,000 represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$6,013 for pay and \$2,987 for benefits = \$9,000).			
2. <u>Annualization of 1997 pay raise</u>.....	...	...	209
This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested \$209,000, represents the pay amounts for three quarters of the year (\$146,583 for compensation and \$62,417 for benefits).			
3. <u>Annualization of 2 positions approved in 1997</u>.....	...	1	48
This provides for the annualization of two additional positions provided in 1997 Congressional Action for Technical Field Support and Services. This request includes non-recurring costs for one-time items associated with the increased positions.			

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Justification of Adjustments to Base (continued)
(Dollars in thousands)

Required	Approved 1997 Increases	Annualization Required	Perm. Pos.	WY	Amount
Net Compensation.....	\$57	\$29	..	..	5,547
Associated Employee Benefits.....	47	9	..	..	..
Travel.....	1	1	..	..	..
GSA Rent.....	3	4	..	..	..
Communications/Utilities.....	1	1	..	..	..
Other Services.....	2	3	..	..	..
Supplies/Materials.....	1	1	..	..	..
Equipment.....	113	0	..	..	..
Total costs subject to annualization.....	\$225	\$48	..	1	\$5,813
4. General pricing level adjustment.....					
This request applies OMB pricing guidance to selected expense categories. The increased increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.					
Total, Increases.....					

Justification of Adjustments to Base (continued)
(Dollars in thousands)

	Perm. Pos.	WY	Amount
Decreases:			
1. Nonrecrual of 1997 Program Increases			
A total of \$28,555,376 will nonrecr in 1998. This decrease includes \$65,376 in equipment and background investigation funds from Technical Field Support and Services and \$28,490,000 from Criminal Justice Services. The \$28,490,000 nonrecrual from Criminal Justice Services will come from NICS development (\$20,240,000) and NCIC 2000 (\$8,250,000).	\$-28,556
2. Nonrecrual of 1997 Counterterrorism Amendment			
In 1998, a total of \$4,810,000 in nonpersonnel resources will nonrecr from Forensic Services and other field programs.	-4,810
Total, Decreases	\$-33,366

**Federal Bureau of Investigation
Violent Crime Reduction Program
Summary of Requirements by Grade and Object Class
(Dollars in thousands)**

	1996 Actual	1997 Estimate	1998 Request	Increase/Decrease
	Positions & Workyears	Positions & Workyears	Positions & Workyears	Positions & Workyears
Grades and salary ranges				
Executive Level II, \$133,600				
ES-6, \$118,245				
ES-5, \$114,260				
ES-4, \$109,661				
ES-3, \$104,040				
ES-2, \$99,543				
ES-1, \$94,944				
GS-15, \$67,942-\$81,321				
GS-14, \$57,760-\$71,091				
GS-13, \$48,778-\$61,539	14	6	8	2
GS-12, \$41,104-\$51,413	149			
GS-11, \$35,854-\$45,006	27			
GS-10, \$31,215-\$40,296	31			
GS-9, \$28,145-\$36,845	26			
GS-8, \$25,662-\$33,364				
GS-7, \$23,171-\$30,121	67			
GS-6, \$20,852-\$27,103				
GS-5, \$18,707-\$24,316				
GS-4, \$16,521-\$21,732				
GS-3, \$14,391-\$19,166				
Ungraded positions				
Locality Pay				
1997 pay increase		5		(5)
1998 pay increase				6
Total appropriated positions	377	6	8	2
Pay above stated annual rates				
Pay above stated annual rates	(4)	(1)	(1)	(1)
Pay above stated annual rates for part of year				(1)
Net full-time permanent	373	5	7	2
Other than full-time permanent				
Part-time Permanent				
Other personnel compensation				
Overtime				
Availability pay	32	6	8	2
Other compensation				
Total, workyears and personnel compensation	405	5	7	2
Average ES Salary				
Average GS/GM Salary				
Average GS/GM Grade				
	(11.1)	(12.0)	(12.0)	(12.0)

Federal Bureau of Investigation
Violent Crime Reduction Program
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1998 Actual Workyears	Amount	1997 Estimate Workyears	Amount	1998 Request Workyears	Amount	Increase/Decrease Workyears	Amount
11. Full-time permanent	373	\$18,305	5	\$398	7	\$468	2	\$72
11.3 Other than full-time permanent	32	58	6	6	8	8	2	2
11.5 Other personnel compensation	405	\$20,919	5	\$402	7	\$478	2	\$74
Total								
12 Personnel benefits		4,400		128		189		81
13 Benefits to former personnel		...		...		...		...
21 Travel and transportation of persons		137		2,460		1,269		(1,181)
22 Transportation of things		...		...		...		...
23.1 GSA rent		2,290		48		41		(7)
23.2 Rental payments to others		...		9,210		7,797		(1,413)
23.3 Communications, utilities and miscellaneous charges		1,781		84		22		(82)
24 Printing and reproduction		70		84		...		...
25.1 Advisory and assistance services		35,725		35,642		37,740		2,098
25.2 Other services		298		4		...		...
25.5 Research and development contracts		91		8,437		3,008		(3,429)
25.7 Operations/maintenance of equipment		1,827		1,514		1,024		(480)
26 Supplies and materials		115,432		140,382		127,487		(20,875)
31 Equipment		...		38		38		...
32 Land and structures		...		...		...		...
42 Insurance claims and indemnities		...		...		...		...
91 Unvouchered		...		...		...		...
Total obligations	405	\$182,948	5	\$204,393	7	\$179,121	2	(\$25,272)
Unobligated balance, start of year		...		(35,000)		...		...
Unobligated balance, end of year		35,000		...		...		...
Total requirements		217,948		169,393		179,121		...
Relation of Obligations to Outlays:								
Total obligations		182,948		204,393		179,121		...
Obligated balance, start of year		...		98,000		142,000		...
Obligated balance, end of year		(98,000)		(142,000)		(182,000)		...
Outlays		84,948		160,393		159,121		...

Federal Bureau of Investigation
Violent Crime Reduction Program
Justification of Multi-Activity Program Changes
(Dollars in thousands)

Budget Activity/Program	Infrastructure		Technology Crimes		Total Initiatives	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Organized Criminal Enterprises.....	...	\$2,000	...	...	...	\$2,000
White-Collar Crime.....
National Security.....	...	8,000	...	\$5,900	...	13,900
Violent Crimes.....
Training, Recruitment, and Applicant.....
Forensic Services.....
Information Management, Automation and Telecommunications.....	...	9,059	...	...	...	9,059
Technical Field Support and Services.....	2	1 6,000	...	...	2	1 6,000
Criminal Justice Services.....
Management and Administration.....
Total	2	1 \$25,059	...	\$5,900	2	1 \$30,959

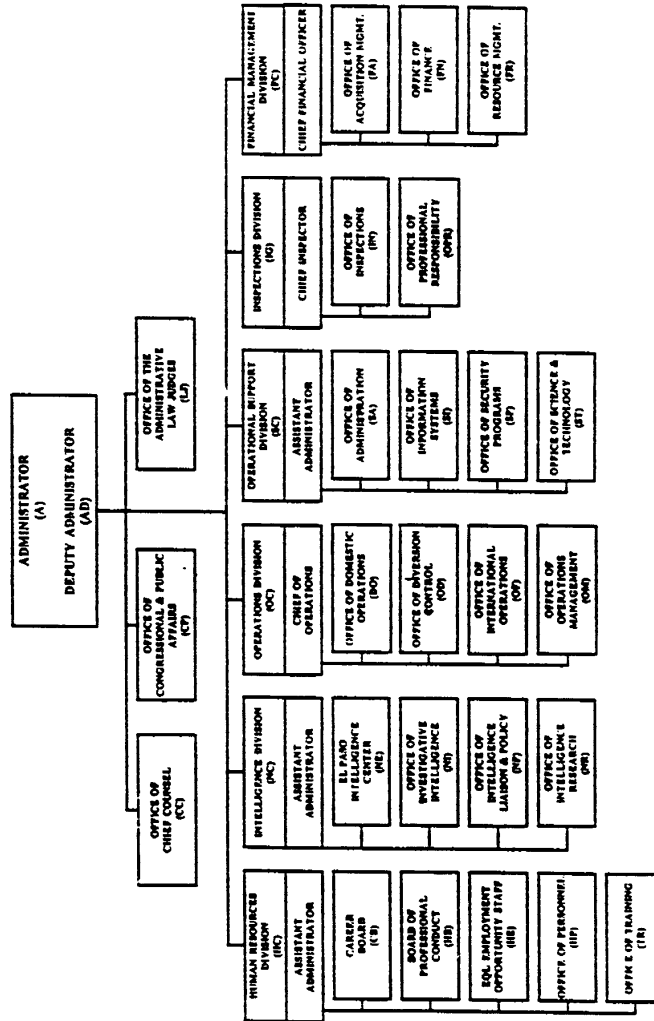
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**Drug Enforcement Administration
Salaries and Expenses
Estimates for Fiscal Year 1998**

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DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION (HEADQUARTERS)



Drug Enforcement Administration
Salaries and Expenses
Summary Statement

DEA's FY 1998 Authorization and Budget Request to Congress seeks a total of \$1,145,830,000 in appropriated funding, 7,218 positions including 3,358 Special Agents. The budget requests an increase of 382 positions, 168 Special Agents and \$91,812,000 of which \$67,164,000 is for new initiatives.

Salaries and Expenses	Positions	Workyears	Funds (19000)
Violent Crime Reduction Program	4,494	4,293	\$ 682,025
Drug Diversion Control Fee Account	2,087	2,041	400,037
Construction	636	613	58,268
			5,500
TOTAL	7,218	6,947	\$1,145,830

The budget request sets forth five specific initiatives that provide resources to: address the growing power and influence of international drug mafias; seek a solution to the growing threat of domestic and foreign produced methamphetamine, heroin, and cocaine; provide the necessary investigative tools to enable our agents to do their jobs; and provide safe and efficient laboratories to analyze drugs in support of drug investigations.

DEA's Growing Role in Combatting Drugs and Drug-Related Violence

Drug traffickers in the United States continue to breed crime and burden law enforcement in every state, and in most American communities. The violence which plagues our cities, rural areas and small towns is, in the vast majority of cases, related to drug trafficking or drug abuse. While violence and drug trafficking have manifested themselves as serious local problems addressed by local law enforcement, it is important to note that the drug trade in America is not a home-grown phenomenon. Cocaine, heroin, and now the majority of methamphetamine, is of foreign origin and is trafficked by well-organized and technologically sophisticated international criminal enterprises.

These organizations --- the Cali Mafia, the Mexican Federation and large scale international heroin trafficking groups --- have dominated the global narcotics trade and are responsible for the drugs and attendant violence which have denigrated the quality of life in so many American communities. It is no exaggeration to say that these sophisticated drug syndicates have risen to levels of organization and influence that rival many multinational corporations. Their capabilities and flexibility make them formidable adversaries for American law enforcement at all levels --- local, State and Federal.

Identifying leaders of these organizations, building strong and solid cases against them, and eventually bringing them to justice are the primary tasks of the Drug Enforcement Administration. It is no longer enough to simply seize the drugs and properties of these Mafia leaders, nor is it sufficient to disrupt their organizations. Until the leaders of these organizations receive jail sentences commensurate with the seriousness of their crimes the drug trade will continue to flourish with only temporary disruptions. DEA intends to continue building conspiracy cases against the world's most significant drug traffickers and their organizations, making the best use of the tools and resources provided to us.

Years Of Successful Drug Law Enforcement Have Proven:

- o First, law enforcement works: recent drops in the rates of crime and violence are a testament to continuous and targeted law enforcement pressures against all levels of criminals and criminal activity.
 - o Second, sophisticated targets require sophisticated investigations: long-term, effective, multi-jurisdiction investigations of major trafficking organizations require time and resources. Cases which came to fruition in 1986, such as "Zorro II" and "Global Sea" are resource-intensive and time consuming.
 - o Third, it is critical to identify and act quickly against emerging drug threats: our nation cannot afford to allow current threats such as methamphetamine and heroin to grow unabated and become so entrenched that it will take a decade or more to address their devastating consequences.
 - o Fourth, neglected infrastructure requirements erode effectiveness: DEA's infrastructure --- computers, laboratories, technical equipment and resources to transfer personnel to meet emerging enforcement needs --- are the backbone of the agency. The infrastructure must be maintained to ensure that DEA can match the traffickers' capabilities.
- DEA's 1988 Budget request acknowledges these lessons, and includes programs which target the highest levels of the drug trade operating along our Southern Border. The request also addresses violent crime, marshals resources to attack emerging methamphetamine and heroin drug trafficking organizations, and provides the infrastructure critical to DEA's mission.

Law Enforcement Works: During the late 1980's and early 1990's, when drug-related violence rose to unprecedented levels, Americans demanded that local, State and Federal law enforcement respond quickly and swiftly to eliminate violence and criminals from their communities. During this period, consistent, targeted and energetic law enforcement efforts made a tremendous difference in the crime rate in many major American cities. Recently, crime levels have dropped significantly; in New York City alone, the murder rate has fallen by 60 percent during the past five years, from 1,995 in 1992, to 984 in 1998. In Houston, the murder rate dropped 49 percent, and in Boston, 62 percent. The overall crime rate has dropped for five years in a row, and our nation is now in the longest period of decline in the crime rate since 1969.

These dramatic drops are the result of smart law enforcement programs which target all levels of violators, from petty crime to murder, from panhandling to drug trafficking. Increases in the numbers of police on the beat, more prisons and tougher policies are paying off. Despite these declines, we still face the serious prospect of violent youth crime in the coming years. Some experts predict the coming of a storm of juvenile crime that will be more violent and random than any crime problem we have yet seen. In what is referred to as the "echo of the baby boom," the number of males ages 14-17 will increase by 23 percent by the year 2006. Couple this fact with the recent alarming increases in drug abuse by young people, and we may have -- unless we act quickly -- a prescription for disaster in the years ahead.

The Mobile Enforcement Team (MET) program, which Congress fully funded in DEA's 1997 budget, builds on the philosophy that violent drug crime in communities must be met by aggressive law enforcement techniques. DEA's MET program has made a significant difference in hundreds of communities across the nation, reducing violent crime by investigating and arresting those individuals responsible for the vast majority of drug-related violent acts. This initiative emerged from a belief that street distributors should not be viewed merely as low-level, minor criminals, but as part of a seamless continuum of drug trafficking that is headquartered in Colombia, Mexico and Southeast Asia, and its surrogates operating on the streets of the United States.

Invited into violence-plagued communities by State and local law enforcement officials, DEA's MET teams work with local law enforcement to target gang-related drug activity and violent offenders. DEA provides expertise and support to law enforcement agencies which are often understaffed or under-funded and facing unprecedented threats from violent drug gangs with international sources of supply. Each DEA division has at least one team of approximately twelve Special Agents, dedicated to addressing violent crime in cities and towns within the division. An average deployment lasts 60 days, and teams are able to move from city to city, helping communities address critical problems.

To date, MET teams, working with State and local law enforcement officials in cities such as Spartanburg, South Carolina, the Rampart Section of Los Angeles, Galveston, Texas, and Toledo, Ohio have made 85 deployments, 2,677 arrests, seized over \$3 million in currency and 250 weapons.

Sophisticated Targets Require Sophisticated Investigations: Today's international narcotics traffickers have at their disposal technological advantages and logistical support that enables them to direct the activity of their multi-billion dollar global businesses. Armed with state of the art computers, communications systems, aircraft, boats, and fleets of trucks and automobiles, these drug Mafias are able to maintain control over multiple drug shipments. Additionally, these organizations control proceeds, personnel and operations not only in their headquarters in Colombia and Mexico, but also within the borders of the United States and Puerto Rico. With intense drug trafficking activity now concentrated along the border between Mexico and the southwest United States, DEA is conducting complex investigations which have both international and domestic ramifications. Investigations of organizations operating along the border reach into many American cities and small towns, paralleling the often circuitous routes used by drug traffickers to bring their poison to the far reaches of America.

This was clearly evident in two recent cases conducted by DEA in conjunction with other Federal, State and local law enforcement organizations. Both investigations were complex, multi-jurisdictional cases, requiring a significant investment of resources, months of investigation, wiretaps and the translation of hundreds of conversations.

Zorro II

As part of the Southwest Border Initiative, on May 2, 1996, Federal, State and local agents successfully completed a unique Organized Crime Drug Enforcement Task Force operation code-named "Zorro II". This investigation targeted a Mexican-run cocaine smuggling and distribution network in the United States and the Colombian Mafia for which it worked.

Since the operation began in September 1995, 130 traffickers from cities such as Los Angeles, Chicago, El Paso, Houston and Midland were charged with offenses relating to the importation and distribution of cocaine.

More than 90 court-authorized wiretaps were used in the investigation that seized 5,598 kilograms of cocaine powder, three quarters of a kilogram (730 grams) of crack cocaine, and 1,018 pounds of marijuana.

The Colombian cocaine was shipped from Colombia to Mexico where Mexican transportation groups, which were part of the "Mexican Federation," smuggled the cocaine across the border. Once in the United States, the cocaine was stored in the Los Angeles area for distribution by representatives of the Colombian Mafia and the Mexican Federation to such cities as: Miami, Chicago, Philadelphia, New York, Richmond and Newark. The cash receipts were then shipped to Colombia and Mexico.

Zorro II was significant in that it simultaneously dismantled both the organization that owned the cocaine, as well as a second organization that ran the transportation system. It was the first coordinated multi-district enforcement action taken as part of the Southwest Border Initiative.

The following were key Cali Mafia figures taken into custody: Hernan Aquilera and Pierre Remy were arrested in Miami. Mauricio Gutierrez, Rafael Alapico (the alleged organizer of the Mexican transportation network), Jorge Valazquez (the alleged leader of a Chicago-based distribution network) were arrested in Los Angeles. Others arrested included a New York City police officer and a sergeant in the National Guard. The distribution system ended in places like Richmond, Virginia, where cocaine powder was converted into crack cocaine and sold in public housing projects.

Zorro II was unique in that over 40 state and local police agencies, the DEA, the FBI, U.S. Attorney's Offices, and seven other Federal agencies across the country combined resources and expertise in this cooperative effort.

Effective investigations, such as the Zorro II case, are expensive and labor-intensive. A three-year investigation such as Zorro II, in which wiretaps are central to the investigation's success, cost DEA over \$13 million in wiretap-related expenses. This figure does not capture the costs to State and local law enforcement agencies participating in the case, nor does it reflect the ongoing costs to the fourteen DEA field divisions involved in the Zorro II investigation. In terms of manhours associated with the Zorro II investigation, 103,091 hours were dedicated by DEA Special Agents, and another 10,279 by DEA intelligence analysts.

In another multi-jurisdictional, multi-agency case aimed against Nigerian heroin traffickers, DEA worked with the FBI and U.S. Customs to target a heroin trafficking group located in Chicago, Illinois and headed by a Nigerian national. This organization was responsible for smuggling multi-kilo quantities of Southeast Asian heroin from Thailand through Europe and Mexico to Chicago. Using wiretaps over a forty day period, 23,000 telephone calls were recorded between members of the trafficking organization and sources of supply. Principals and couriers associated with this organization were arrested in Bangkok; Amsterdam; Paris; Cancun; Chicago; New York; Detroit; El Paso and McAllen, Texas. Again, this investigation depended a great deal on wiretaps. The costs associated with this technique, such as lease lines and translators costed about \$2 million.

Identification and Decisive Action Against Emerging Drug Threats is Critical: While cocaine and crack remain the primary drug threats in the United States, methamphetamine and heroin are rapidly becoming major threats across the Nation. Federal, State, and local law enforcement must work in concert to identify those organizations and individuals involved in methamphetamine production and heroin and methamphetamine trafficking within the United States. Having learned the tragic lesson taught by crack, law enforcement is aggressively attacking the burgeoning heroin and methamphetamine problems before they become more deeply rooted in American communities.

Heroin

Heroin has re-emerged in the United States as a major issue for law enforcement and public health officials. Because of its increased purity, lower price and wider availability, heroin has attracted a new group of users who prefer to smoke or snort heroin, rather than inject it. However, once hooked on heroin, many users ultimately turn to intravenous use to obtain the "high" they seek. Another troubling development is the fact that 82 percent of the heroin seized in the United States during 1995 was of South American origin, signaling the potential for Colombian dominance in the heroin trade and eventually leading to greater supply and lower prices.

On the street, heroin purity is directly related to availability. During 1995, the nationwide average purity for retail heroin from all sources was 39.7 percent, much higher than the average of 7 percent a decade ago, and considerably higher than the 28.6 percent recorded in 1991. The rise in average purity corresponded directly to the increase in availability of high-purity South American and Southeast Asian heroin.

The 1995 National Household Survey on Drug Abuse estimated that 1.4 million people have smoked heroin in their lifetime. This estimate was nearly double the 1994 estimate. Although the change was statistically significant only for the 35 and older age group, estimates for other age groups were also higher in 1995 than in 1994, including youths age 12-17.

Methamphetamine

The methamphetamine threat has also become critical in many parts of the United States. Trafficking and abuse of methamphetamine in the United States have been on the rise over the past few years. This has been evidenced by investigative, seizure, price, purity, and abuse data. As a result, "meth" has had a devastating impact in an increasing number of communities across the Nation. Although more common in western areas of the country, its impact was felt in the Midwest and Southeast areas that were not previously exposed to the harmful effects of this powerful stimulant.

Almost all of the methamphetamine trafficked and abused in the United States is produced in clandestine laboratories. Traditionally, the suppliers of methamphetamine in the United States have been outlaw motorcycle gangs and independent traffickers. Although these groups are still involved in the trade, Mexican drug trafficking organizations have begun to dominate the methamphetamine market in the United States. Their ascendancy in the methamphetamine trade is due to their access to wholesale ephedrine (the major precursor for methamphetamine) sources on the international market; their ability to produce large quantities of high-purity methamphetamine on a regular basis; and their well-established cocaine, marijuana and heroin distribution networks in the United States.

According to the *1995 National Household Survey on Drug Abuse*, 4.7 million persons have tried methamphetamine in their lifetime or 2.2 percent of the population in 1995. In 1994, the estimate had been 3.8 million. In the West, the statistics are more alarming. The latest *Drug Abuse Warning Network* figures indicate that methamphetamine related episodes tripled in Phoenix between 1992 and 1994, and the number of deaths related to this drug increased five fold. Los Angeles has had a 71 percent increase in emergency room visits related to methamphetamine abuse, and a 222 percent increase in meth-related deaths.

During 1998, DEA sponsored a national conference on methamphetamine which brought together State, local and Federal law enforcement officers to suggest workable strategies to address the methamphetamine threat. Emerging from this conference was a blueprint for action which was incorporated into the Department of Justice's larger methamphetamine strategy, and which provided suggestions for the national methamphetamine legislation which was passed by Congress and signed by the President in October, 1998.

Infrastructure Needs Must be Met: The new breed of international drug trafficker recognizes the necessity for state-of-the-art technology to ensure that profits, products and communications are secure. Drug Mafias, operating around the world, can track drug shipments on an hourly basis and maintain detailed data bases on personnel, equipment, transportation and logistical support. In order for DEA to undertake the type of investigations necessary to target and arrest major drug traffickers, it is essential that DEA have state-of-the-art laboratory support, technical equipment, aviation resources and the flexibility to move Special Agent personnel, intelligence analysts and support staff to meet emerging enforcement needs on a timely basis.

DEA's Fiscal Year 1998 Budget

DEA's budget request for 1998 focuses on these four areas. Enhancements are sought for methamphetamine control; the Southwest Border Initiative; heroin control; and investigative infrastructure support.

A summary of each of the S & E Initiatives is outlined below.

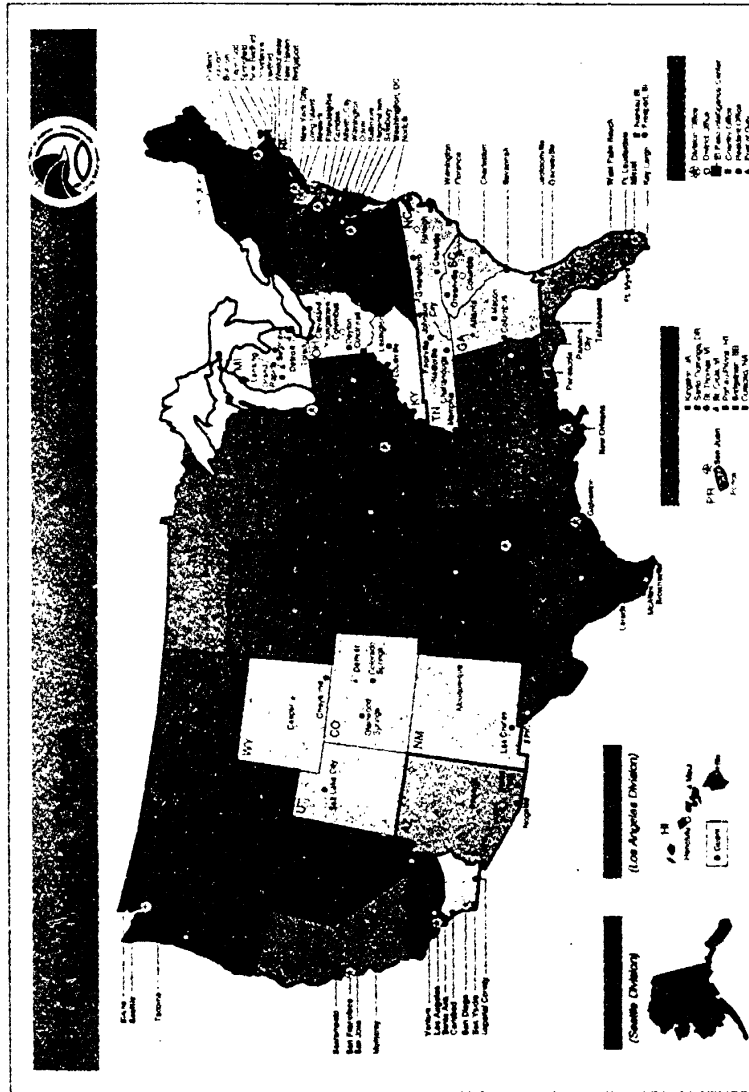
Methamphetamine Initiative: DEA requests a total of 74 positions (80 Special Agents) and \$11.0 million. Of this amount, 14 positions and \$2.27 million are requested through the Violent Crime Reduction Program (VCRP). These resources are requested to implement a multifaceted approach for attacking methamphetamine abuse, a deadly and rapidly growing epidemic that threatens the health and safety of our children, the environment, as well as the welfare of the American family. This initiative seeks to target, investigate and prosecute major methamphetamine traffickers operating within the United States and abroad, and to focus a coordinated Federal and international effort to identify, investigate and dismantle clandestine drug

laboratories operating in the United States. The initiative consists of funding for increased methamphetamine enforcement, heightened contract oversight of hazardous waste removal, enhanced drug analytical support, and an improved health/safety/enforcement training programs for Federal, State, and local law enforcement. Without these resources the methamphetamine epidemic will continue wreaking havoc upon our citizens and our environment.

Southwest Border Initiative: DEA requests 192 positions (96 Special Agents, 50 intelligence analysts, and 46 support) and \$29.7 million to apply investigative personnel and the latest investigative technology in continuance of the Department's comprehensive interagency strategy against drug trafficking on the Southwest Border. Through the use of human and technological-investigative resources, this enhancement will bolster Federal efforts to identify, penetrate, disrupt, and dismantle the major Colombians and Mexican trafficking organizations operating throughout the Southwest Border region. The initiative consists of three major components: Investigative Caseload, Investigative Equipment, and Intelligence. Without the requested resources, much of the unconstrained flow of drugs across the Southwest Border will persist and Colombians and the Mexican Federation will continue to flourish.

Heroin Strategy Initiative: DEA requests 60 positions (12 Special Agents, 20 Intelligence Analysts, and 28 Support) and \$5.0 million to continue efforts to reduce heroin trafficking within the United States. This initiative seeks to intensify DEA's efforts in identifying and prosecuting those responsible for the trafficking of heroin and, ultimately, the escalating number of heroin-related emergency room episodes throughout the country. Without these resources, Federal drug enforcement efforts will continue to lag behind the growth of heroin trafficking in this country, the availability and popularity of heroin in the United States will continue to grow, and heroin-related overdoses and emergency room episodes will further escalate, thereby costing the United States millions of dollars in additional medical expenditures each year.

Investigative Shortfall Initiative: DEA requests 19 positions and \$33.4 million to ensure that adequate resources are available for programs which support DEA enforcement operations. As funding for DEA leveled-off during the mid 1990's, resources for a host of agency operational support programs were depleted in order to cover the cost of emerging enforcement needs. Without additional resources for these critical support programs, DEA enforcement operations cannot continue to function at optimal levels. Enhancements included in this initiative are: \$1.0 million for Aircraft Replacement, \$4.4 million for MERLIN, and \$15.0 million for FIREBIRD which are requested in the VCRP budget. Additionally, a total of \$7.8 million for PCS, \$4.7 million for ADP maintenance and equipment, and 19 positions and \$539,000 to support implementation of the 1996 Electronic Freedom of Information Act (FOIA) amendments are requested in the Salaries and Expenses budget.



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DRUG ENFORCEMENT ADMINISTRATION

Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates includes proposed changes in the appropriation language listed and explained below. New language is underscored.

Salaries and Expenses

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed \$1,158,000 for passenger motor vehicles, of which \$1,032,000 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year, and acquisition, lease, maintenance, and operation of aircraft; \$745,388,000 of which not to exceed \$1,800,000 for research and \$16,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended; of which not to exceed \$4,000,000 for purchase of evidence and payments for information, \$8,000,000 for contracting for automated data processing and telecommunications equipment, and \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement, retrofit, and parts, shall remain available until September 30, 1998, and of which not to exceed \$50,000 shall be available for official reception and representation expenses; Provided further, That not to exceed 25 permanent positions and 25 full-time equivalent workyears, and \$1,828,000 shall be expended for the Office of Legislative Affairs and Public Affairs; Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long term basis. For the additional amount for security measures for domestic and foreign Drug Enforcement Administration offices, \$5,000,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.]

(Reorganization Plan No. 2 of 1973; Reorganization Plan No. 1 of 1988; 21 U.S.C. 801-986 as amended; 40 U.S.C. 304; Department of Justice Appropriations and Related Agencies Act, 1997; 104-208 (approved September 30, 1996; 110 STAT 3009.)

Explanation of Changes

1. The first change reflects the authorization to purchase 1,802 passenger motor vehicles.
2. The second change reflects the authorization to purchase 1,410 replacement passenger motor vehicles.
3. Note: the President's Budget Appendix reflects \$897,000,000 as the appropriation amount, this is an error. The correct 1998 appropriation amount is reflected above.
4. The third change reflects the increase in two-year authority for the purchase of ADP and telecommunications equipment up to \$10,000,000.
5. The fourth change reflects the deletion of language regarding limitations on the Office of Legislative and Public Affairs and the reference to the funds for security measures in DEA domestic and foreign offices.

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Crosswalk of 1987 Changes
(Dollars in thousands)

	1987 President's Budget Request			Congressional Appropriations Action on 1987 Request 1/			Transfers Between Accounts 2/			Reprogramming			1987 Appropriation Anticipated		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount
1. Enforcement of Federal Laws and Investigations															
Domestic Enforcement	2,110	2,022	\$279,877	(7)	(8)	\$ (11,117)	-	-	\$ 13,278	-	-	-	2,103	2,017	\$292,028
Foreign Cooperative Investigations	564	531	120,826	-	-	(2,840)	-	-	-	-	-	-	564	531	117,985
Drug and Chemical Diversion Control	83	76	24,081	(3)	(3)	(1,106)	-	-	(18,000)	-	-	-	80	73	7,956
State and Local Task Force	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal	2,757	2,629	424,783	(10)	(8)	(14,863)	-	-	(1,722)	-	-	-	2,757	2,621	407,979
2. Investigative Support															
Intelligence	658	571	68,902	7	4	83	-	-	-	-	-	-	665	575	68,865
Laboratory Services	321	319	34,904	3	2	440	-	-	-	-	-	-	324	321	34,944
Training	110	109	15,063	-	-	488	-	-	-	-	-	-	110	109	15,519
Research, Engineering, and Technical Operations	364	362	106,281	-	-	(15,360)	-	-	-	-	-	-	364	362	93,901
ADP	87	86	81,189	-	-	(23,883)	-	-	-	-	-	-	87	86	57,609
Subtotal	1,540	1,547	306,739	10	6	(37,864)	-	-	-	-	-	-	1,560	1,563	270,835
3. Program Direction, Management and Administration															
Subtotal	703	700	84,886	-	(2)	(18,834)	-	-	-	-	-	-	703	698	66,052
Total	5,060	4,916	\$18,038	-	(4)	(87,860)	-	-	(1,722)	-	-	-	5,060	4,912	748,866

1/ Congressional Action, Reflects 1987 Budget as enacted.

2/ Transfers in accordance with 1987 proposed appropriation language. \$15 million has been transferred from the Salaries and Expenses appropriation to the Drug Diversion Control Fee Account and \$13.278 million transferred to DEA from OEDCP to be used in High Intensity Drug Trafficking Areas.

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

	Perm Pos	FTE	Amount
1997 as enacted	5,050	4,917	\$ 750,388
Transfers			
One-time 1997 transfer to DOCFA	-	-	(15,000)
One-time 1997 transfer from HIDTA	-	-	13,278
1997 Appropriation Anticipated	5,050	4,917	748,666
Reverse DOCFA Transfer	-	-	15,000
Reverse HIDTA Transfer	-	-	(13,278)
Base transfer from VCRP	-	-	29,232
Base transfer to VCRP	(888)	(853)	(186,529)
Increases (automatic, non-policy)	1	67	17,787
Decreases	-	-	(3,360)
1998 Base	5,051	4,964	625,496
Program Changes	331	167	56,827
1997 Estimate	5,382	5,151	682,075
Estimates by Budget Activity			
1 Enforcement	2,767	2,626	\$ 407,979
2 Investigative support	1,560	1,593	270,835
3 Program direction	703	893	99,652
Total	5,050	4,912	748,666
1998 Base	2,193	2,149	\$ 315,877
1998 Estimate	2,446	2,277	\$ 344,816
1998 Base	1,287	1,279	238,581
1998 Estimate	1,324	1,308	257,829
1998 Base	703	898	71,240
1998 Estimate	722	708	78,580
1998 Base	4,163	4,126	625,496
1998 Estimate	4,494	4,293	682,075
1998 Base	255	128	\$ 20,139
1998 Estimate	57	29	19,048
1998 Base	18	10	8,340
1998 Estimate	331	167	56,827

1/ Does not match the President's Budget Appendix which indicates \$687,000,000

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Summary of Resources by Program
(Dollars in thousands)

	1988 As Enacted			1988 Actual			1987 Appropriation			1988 Base			1988 Estimate			Normal/Change		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount
Estimates by Budget Activity																		
Enforcement of Federal Laws and Investigations:																		
Federal Bureau of Investigation	1,050	1,770	\$ 275,170	1,050	1,760	\$ 265,000	1,045	1,755	\$ 262,200	1,045	1,755	\$ 262,200	1,045	1,755	\$ 262,200	100	120	\$ 19,100
Drug Enforcement Administration	881	1,400	\$ 197,200	881	1,390	\$ 195,000	880	1,380	\$ 194,000	880	1,380	\$ 194,000	880	1,380	\$ 194,000	100	120	\$ 19,100
Drug and Chemical Detection Control	83	83	\$ 4,481	83	83	\$ 4,400	84	84	\$ 4,500	84	84	\$ 4,500	84	84	\$ 4,500			
Bureau of Prisons	770	770	\$ 101,901	770	770	\$ 101,900	770	770	\$ 101,900	770	770	\$ 101,900	770	770	\$ 101,900			
Bureau of Land Management	3,300	3,300	\$ 452,907	3,300	3,292	\$ 450,000	3,300	3,292	\$ 450,000	3,300	3,292	\$ 450,000	3,300	3,292	\$ 450,000			
Subtotal	6,444	10,623	\$ 972,659	6,444	10,612	\$ 965,600	6,445	10,617	\$ 966,600	6,445	10,617	\$ 966,600	6,445	10,617	\$ 966,600	200	240	\$ 38,200
Intelligence:																		
Laboratory Services	321	312	\$ 24,326	321	310	\$ 24,000	324	321	\$ 24,000	324	321	\$ 24,000	324	321	\$ 24,000	11	21	\$ 3,000
Training	110	100	\$ 11,471	110	100	\$ 11,400	110	100	\$ 11,400	110	100	\$ 11,400	110	100	\$ 11,400			
Research, Engineering and Technical Operations	304	302	\$ 40,000	304	302	\$ 39,500	304	302	\$ 39,500	304	302	\$ 39,500	304	302	\$ 39,500	10	10	\$ 1,000
ADP	87	86	\$ 8,000	87	86	\$ 8,000	87	86	\$ 8,000	87	86	\$ 8,000	87	86	\$ 8,000			
Subtotal	1,022	1,006	\$ 83,797	1,022	1,000	\$ 82,900	1,025	1,009	\$ 82,900	1,025	1,009	\$ 82,900	1,025	1,009	\$ 82,900	21	31	\$ 4,000
Program Division:																		
Management and Administration	702	680	\$ 84,000	702	680	\$ 84,000	702	680	\$ 84,000	702	680	\$ 84,000	702	680	\$ 84,000	10	10	\$ 1,000
Subtotal	702	680	\$ 84,000	702	680	\$ 84,000	702	680	\$ 84,000	702	680	\$ 84,000	702	680	\$ 84,000	10	10	\$ 1,000
TOTAL	8,371	13,303	\$ 1,057,357	8,371	13,292	\$ 1,048,500	8,370	13,291	\$ 1,049,500	8,370	13,291	\$ 1,049,500	8,370	13,291	\$ 1,049,500	231	271	\$ 43,200
Administrative Employees																		
TOTAL WORKING	1,000	1,000	\$ 1,000	1,000	1,000	\$ 1,000	1,000	1,000	\$ 1,000	1,000	1,000	\$ 1,000	1,000	1,000	\$ 1,000	100	100	\$ 1,000
Other Employees:																		
Police	130	130	\$ 140	130	130	\$ 140	130	130	\$ 140	130	130	\$ 140	130	130	\$ 140	10	10	\$ 100
Security	804	804	\$ 804	804	804	\$ 804	804	804	\$ 804	804	804	\$ 804	804	804	\$ 804	10	10	\$ 100
Other	86	86	\$ 86	86	86	\$ 86	86	86	\$ 86	86	86	\$ 86	86	86	\$ 86	10	10	\$ 100
Subtotal	1,010	1,010	\$ 1,030	1,010	1,010	\$ 1,030	1,010	1,010	\$ 1,030	1,010	1,010	\$ 1,030	1,010	1,010	\$ 1,030	30	30	\$ 300
TOTAL COMPENSABLE WORKING	2,010	2,010	\$ 2,030	2,010	2,010	\$ 2,030	2,010	2,010	\$ 2,030	2,010	2,010	\$ 2,030	2,010	2,010	\$ 2,030	130	130	\$ 1,300

1/ Includes transfer of \$10 million to the Drug Detection Control Fee Account.

DRUG ENFORCEMENT ADMINISTRATION
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Financing:	1996 Actual			1997 Availability			1998 Request			Increases/Decreases	
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY
Collection by Source:											
Organized Crime Drug Enforcement	975	962	\$91,872	975	962	\$91,872	975	962	\$94,427	-	-
Regional Drug Intelligence Squads	25	25	2,155	25	25	2,088	25	25	2,156	-	-
Assets Forfeiture Fund	-	-	84,997	-	-	47,839	-	-	47,839	-	-
Department of Treasury	-	-	98	-	-	138	-	-	138	-	-
Office of National Drug Control Policy	-	-	30	-	-	120	-	-	120	-	-
Department of State	20	12	3,572	21	18	3,084	21	18	3,084	-	-
Department of Justice	1	1	21,844	1	8	11,348	1	8	11,348	-	-
National Drug Intelligence Center	20	17	1,425	20	20	1,591	20	20	1,591	-	-
Department of Defense	-	-	127	-	-	210	-	-	210	-	-
Department of Transportation	-	-	1,885	-	-	84	-	-	84	-	-
Federal Bureau of Investigation	-	-	3,170	-	-	155	-	-	155	-	-
Misc. Government	-	-	409	-	-	257	-	-	257	-	-
Misc. Non-Government	-	-	5,284	-	-	4,093	-	-	4,093	-	-
Total	1,041	1,017	\$198,866	1,042	1,033	\$182,859	1,042	1,033	\$165,482	-	\$2,623
Obligations by Program:											
Enforcement	975	962	\$157,777	975	962	\$117,099	975	962	\$119,654	-	-
Investigative Support	68	55	38,844	67	71	26,274	67	71	28,342	-	-
Program Direction	-	-	2,245	-	-	19,486	-	-	19,486	-	-
Total	1,041	1,017	\$198,866	1,042	1,033	\$162,859	1,042	1,033	\$165,482	-	\$2,623

**Drug Enforcement Administration
Salaries and Expenses
Program Performance Information
Government Performance and Results Act Requirements**

Mission: The Drug Enforcement Administration serves as our nation's lead Federal agency in combating illicit drugs and related activities.

Organizational Goal:

1. To arrest the most significant drug traffickers in the world and dismantle their organizations.
2. To combat drug-related violent crime in conjunction with State and local law enforcement organizations (this goal is addressed in DEA's Violent Crime Reduction Program Budget).
3. To develop and disseminate intelligence information for use by DEA and other law enforcement agencies in support of high priority investigations.
4. To prevent legitimately produced controlled substances and listed chemicals from being diverted into illicit channels.

Drug Enforcement Administration
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Domestic Enforcement			
1997 Appropriation	2,103	2,019	\$282,038
1998 Base	2,103	2,058	292,262
1998 Estimate	2,358	2,188	321,401
Increase/Decrease	255	128	\$ 29,139

LONG RANGE GOAL: To reduce the domestic supply of illicit drugs by building cases against the highest level drug violators operating within the United States.

BASE PROGRAM DESCRIPTION: The Domestic Enforcement Program includes the investigative operations of DEA's 21 field divisions and the operational coordination functions located at DEA Headquarters. The program employs the bulk of DEA's Special Agent work force and uses a variety of sophisticated investigative tools, including electronic surveillance, informants, and undercover operations.

Domestic enforcement investigations are the heart of DEA's mission. They rely on information obtained from informants, internal intelligence sources, as well as the input of other Federal, State, and local law enforcement organizations. The program's financial investigations identify and trace assets subject to seizure and forfeiture which leads to the destruction of the economic bases supporting drug trafficking enterprises.

The Domestic Enforcement Program also includes DEA's Special Enforcement Programs (SEPs), Title III intercept operations, and the Domestic Cannabis Eradication/Suppression Program.

Foreign Cooperative Investigations	Perm.	EIE	Amount
	Pos.		
	564		
	...		
1997 Appropriation	...	531	\$117,985
1998 Base*	...	...	...
1998 Estimate	...	...	...
Increase/Decrease	...	...	...

* Foreign Cooperative Investigations Decision Unit resources transferred to the Violent Crime Reduction Program.

LONG RANGE GOAL: To build cases leading to the arrest and prosecution of major drug traffickers by cooperating with and assisting those nations that demonstrate a commitment to fight international narcotics syndicates.

BASE PROGRAM DESCRIPTION: DEA's overseas efforts are directed toward advising, assisting, and encouraging foreign governments in efforts to arrest and prosecute major drug traffickers whose operations impact directly on the United States, and to assist host countries on the implementation of programs that impede the ability of these organizations to produce and transport these products to the United States. In pursuing this goal, DEA coordinates drug intelligence collection and drug investigations (including chemical diversion and drug money laundering activities) with foreign law enforcement agencies, and participates in bilateral and multilateral drug suppression programs.

DEA's Foreign Cooperative Investigations Program (FCIP) now includes resources for foreign Special Enforcement Operations/Programs (SEO/P), including OPBAT and the Northern Border Response Force (NBRF).

Drug and Chemical Diversion Control	erm.	EIE	Amount
	Pos.		
	90		
	90		
1997 Appropriation	...	76	\$ 7,956
1998 Base	90	91	23,415
1998 Estimate	90	91	23,415
Increase/Decrease	...	...	...

* Reflects the annual transfer of \$15 million to Drug Diversion Control Fee Account.

LONG RANGE GOAL: To prevent legitimately produced controlled substances and listed chemicals from being diverted into illicit channels.

BASE PROGRAM DESCRIPTION: The Drug and Chemical Diversion Control program directs DEA's worldwide drug and chemical diversion control activities to include diversion investigations, domestic and international diversion control, registration, voluntary compliance, State assistance, industry liaison and associated support programs.

The Diversion Control Program is principally responsible for: 1) analyzing past data from diversion control activities to help develop work plans and priority objectives for current operations; 2) reviewing the effectiveness of DEA worldwide and individual field office drug and chemical diversion control activities to ensure they are responsive to, and/or consistent with the drug and chemical diversion control mission of DEA; 3) representing, among other Federal agencies, the United States drug enforcement position at national and international forums that address the control of legitimate drugs, and at other diplomatic initiatives designed to ensure appropriate drug and chemical diversion controls; and 4) formulating additional legislation and regulations to curtail the diversion of controlled substances and listed chemicals from legitimate channels.

Of the \$22,956,000 in the 1997 appropriation and \$23,415,000 in the 1988 base, \$15,000,000 is fee related and will be transferred to the Drug Diversion Control Fee Account (DDCFA) in accordance with appropriation language. Subsequent to the annual transfer of the \$15,000,000 from this decision unit to the DDCFA, all funding for the Drug Diversion Control Program will be contained in the DDCFA.

Drug Diversion Investigations:

Criminal Drug Diversion Investigations: It is estimated that 12,000 medical practitioners are involved in the diversion of legal drugs. DEA identifies those medical professionals responsible for the highest level of diversion and investigates their criminal activities.

CSA Mandated Cyclic Investigations: These investigations examine drug diversion at and between the manufacturer, distributor and wholesale levels in the distribution chain. This focus differs from other investigations that examine only one aspect of the diversion process. This focus is needed in situations where diversion is being conducted on a large scale level.

Pre-registrant Investigations: Pre-registrant investigations ensure at only qualified individuals or companies are authorized to acquire or dispense controlled substances.

State and Local Assistance: DEA assesses State programs that aim to suppress the diversion of controlled substances from scientific, medical research and legitimate distribution channels. In addition, the State and Local Assistance Program provides expertise, leadership, and guidance to the States consistent with national objectives.

International Drug Control: United States law and international treaty obligations provide the guidelines for DEA management on all matters pertaining to the formulation, direction, and coordination of worldwide programs associated with the diversion of legally produced controlled substances.

Chemical Diversion Investigations:

Criminal Chemical Diversion Investigations: DEA, under the auspices of the Chemical Diversion and Trafficking Act, conducts criminal investigations of firms suspected to be involved in the diversion of listed chemicals.

Import/Export Investigations: DEA receives and determines the legitimacy of all import/export declarations of listed chemicals. DEA's authority in these matters includes stopping chemical shipments, and rejecting the applications of chemical companies for "regular customer" status.

Pre-registrant Investigations: Pre-registrant investigations ensure that only qualified individuals or companies are authorized to acquire or distribute List I chemicals.

ACTIVITY: INVESTIGATIVE SUPPORT

Intelligence	Perm. Pos.	FTE	Amount
1997 Appropriation	665	675	\$68,865
1998 Base	665	682	70,587
1998 Estimate	708	703	74,588
Increase/Decrease	41	21	\$ 3,995

LONG RANGE GOAL: To identify, develop, and exploit information and intelligence necessary to enhance the effectiveness of drug law enforcement.

BASE PROGRAM DESCRIPTION: DEA's Intelligence Program is comprised of four components: 1) financial; 2) operational; 3) strategic; and 4) the El Paso Intelligence Center (EPIC). The Intelligence Program also provides leadership in the National Drug Intelligence Center (NDIC).

Financial Intelligence: This program focuses on fiscal aspects of the drug trade by identifying the development of financial conspiracy.

Operational Intelligence: This program gathers, organizes, analyzes and disseminates information available to DEA in direct support of active drug investigations.

Strategic Intelligence: This program produces comprehensive assessments and reports of drug trafficking patterns, availability levels, consumption rates and averages. This program also develops long-range supply reduction plans.

El Paso Intelligence Center: EPIC is a multi-agency facility providing the law enforcement community with all-source tactical intelligence pertaining to the interdiction of drugs, weapons, and aliens. EPIC provides support for drug law enforcement and interdiction operations, and is accessible 24-hours-a-day, seven-days-a-week.

National Drug Intelligence Center: NDIC is a multi-agency facility that brings together the collective analytical capabilities of all DOJ agencies to produce comprehensive analyses of drug trafficking and trafficking organizations. DEA serves as the Deputy Director of NDIC and also provides a share of the intelligence analyst support.

Laboratory Services	Perm.		Amount
	Pos.	FTE	
1997 Appropriation	324	321	\$34,944
1998 Base*	...	...	...
1998 Estimate	...	...	...
Increase/Decrease	...	...	...

- Laboratory Services Decision Unit resources transferred to the Violent Crime Reduction Program.

LONG RANGE GOAL: To provide the required laboratory support necessary to maximize enforcement, intelligence, and diversion control activities.

BASE PROGRAM DESCRIPTION: This program provides laboratory support services for the enforcement, intelligence, and diversion control activities of DEA. Enforcement activities are supported through the timely analysis of drug evidence and the presentation of forensic expert testimony in court; by providing field assistance to Special Agents on clandestine laboratory investigations; by conducting crime scene searches for trace drug evidence; and by performing toolmark and signature analyses on evidence linked to suspected conspiracy cases.

Intelligence activities are supported through laboratory analysis that shows the origin of controlled substances and highlights foreign drug distribution patterns. Intelligence investigations are also aided through the signature analyses of the Domestic Monitor Program, which help monitor domestic drug distribution patterns and price/purity data at the retail level.

Diversion control activities are supported through the examination of tablets, capsules, and papers, which provide information on illegal drug distribution.

This program also provides forensic drug laboratory support to the Interagency Crime and Drug Enforcement Program and to the Federal Bureau of Investigation, which has concurrent jurisdiction for the enforcement of Federal drug laws. The program also provides support to other Federal, State and local law enforcement agencies that do not have their own forensic drug examination capability, or require the special expertise of DEA forensic scientists.

Training		Perm. Pos.	FTE	Amount
1987 Appropriation		110	109	\$15,519
1988 Base		110	109	15,723
1988 Estimate		118	112	<u>18,801</u>
Increase/Decrease		8	3	\$ 878

LONG RANGE GOAL: To establish, maintain, and enhance the mission-related skills of DEA personnel so they may carry out their work responsibilities.

BASE PROGRAM DESCRIPTION: The Training Program provides DEA personnel with the skills and knowledge necessary to support DEA's goals of dismantling drug operations and developing and disseminating drug intelligence. DEA's specialized training courses include: entry-level training; advanced and in-service specialty training; management and supervisory training; State and local training; international training; and foreign language training.

Research, Engineering, and Technical Operations		Perm. Pos.	FTE	Amount
1987 Appropriation		394	392	\$ 93,801
1988 Base		394	392	106,749
1988 Estimate		<u>404</u>	<u>397</u>	<u>118,250</u>
Increase/Decrease		10	5	\$ 9,501

LONG RANGE GOAL: To support DEA enforcement and intelligence programs through research and development, procurement, maintenance, and management of technical investigative equipment and aircraft, and provide assistance to ensure maximum achievement of the agency's mission.

BASE PROGRAM DESCRIPTION: The Research, Engineering and Technical Operations Program is responsible for the following: 1) providing new technology and scientific support to the operational elements of DEA; 2) enhancing technical equipment, aircraft, and personnel resources in a manner that allows DEA investigative personnel to maximize their efforts, enhance their personal safety, and accomplish the agency's goals of disrupting drug trafficking organizations and reducing the availability of illicit drugs; and 3) ensuring the effectiveness of DEA's enforcement effort by offering or enhancing the speed, mobility, vantage, and maneuverability qualities unique to aircraft operations. These enhanced attributes are necessary to successfully conduct drug investigations not possible with surface vehicles.

Automated Data Processing	Perm.		FTE	Amount
	Pos.			
1997 Appropriation	97		96	\$57,808
1998 Base*	98		98	45,642
1998 Estimate	98		98	50,212
Increase/Decrease	...		...	\$ 4,870

* Base Resources Associated with Firebird and Merlin have been transferred to the Violent Crime Reduction Program.

LONG RANGE GOAL: To provide high quality and timely information technology resources and telecommunications support that maximizes the ability of the agency to meet its mission.

BASE PROGRAM DESCRIPTION: The ADP program provides all information technology services to DEA worldwide. This responsibility includes the installation and maintenance of DEA's office automation system (FIREBIRD) and management of a modern Data Base Management System (DBMS).

In addition to DBMS, the information technology program is responsible for continually improving and developing systems applications that best manage information vital to supporting DEA's extensive intelligence information. DEA maintains a number of such systems, including the following: Narcotics and Dangerous Drugs Information System (NADDIS); Controlled Substances Act System (CSA); System to Retrieve Information from Drug Evidence (STRIDE); Automation of Reports and Consolidated Orders Systems (ARCOS I & II); and DEA Accounting System (DEAAS).

Additionally, DEA develops microcomputer applications for specific enforcement operations. DEA must sometimes conduct this type of high-level development in order to track the highest-level criminals. The nature of this information requires the support of a Secure Communication System (Mercury Project), which includes, for both domestic and foreign offices, secure voice, facsimile, and teletypewriter communications.

ACTIVITY: PROGRAM DIRECTION

Management and Administration	Perm.		Amount
	Pos.	FTE	
1987 Appropriation	703	693	\$69,852
1988 Base	703	698	71,240
1988 Estimate	722	708	78,580
Increase/Decrease	19	10	\$ 8,340

LONG RANGE GOAL: To develop, maintain, and provide effective and efficient management, executive direction and control, and administrative support functions to ensure maximum achievement of DEA's mission.

BASE PROGRAM DESCRIPTION: This program formulates agency-wide policy and oversees all field management functions, monitors internal controls, and ensures that resources are used efficiently and effectively.

Staff Operations: Responds to Congressional, media, and public inquiries; provides DEA officials with reports on Congressional activities; issues press releases; prepares text of speeches, talking points, and Congressional demand reduction testimony. The Staff Operations program also prepares legal briefs, opinions, and presentations; provides technical legal training in regulatory and criminal matters, civil litigation, seizures, forfeiture of assets, personnel, equal employment opportunity, procurement, and international matters; and advises management on matters pertaining to planning, policy analysis, and statistical systems.

Financial Management: Operating under the direction of the Chief Financial Officer (CFO), prepares DEA's budget; develops and maintains resource allocation plans; and operates DEA's accounting system.

Inspections: Advises management on all matters pertaining to integrity/misconduct matters.

Security Programs: Oversees all personnel, document, and physical security at all DEA offices worldwide.

Personnel Operations: Oversees classification, pay, and position management; employee relations, assistance, and benefits; recruitment and placement; health and safety; personnel systems automation development; and validation and analysis of personnel procedures. Personnel Operations also advises and assists managers and employees on employee-specific matters, develops human resource policy, and provides guidance for the effective management of the work force.

Equal Employment Opportunity: Ensures that DEA focuses on legal and moral responsibilities in selecting and managing its work force. This prevents discrimination and morale problems and assures the equitable treatment of all DEA employees.

General Services: Provides DEA's administrative support including: the acquisition and utilization of space; operation, maintenance, and repair of office and special facilities; permanent change of station orders; relocation benefits; office supplies; formal procurement contracts and requisitions; office furniture and equipment; and DEA's motor vehicle fleet.

INITIATIVE 1

	Pos.	EIE	Amount (\$000)
	64	27	\$7,898
	<u>8</u>	<u>3</u>	<u>878</u>
	60	30	\$8,776

Methamphetamine Initiative*
Domestic Enforcement Decision Unit
Training Decision Unit

- * An additional \$2.270 million for this is requested through the Violent Crime Reduction Program

Proposed Actions

This initiative seeks to address the following objectives:

1. To target, investigate and prosecute major methamphetamine traffickers operating within the United States and abroad.
2. To focus a coordinated Federal, and international effort to identify, investigate and dismantle methamphetamine organizations operating clandestine production facilities in the United States and abroad.

Methamphetamine Initiative

DEA requests a total of \$11.048 million and 74 positions (including 60 Special Agents) to fund a multifaceted approach for attacking methamphetamine production, trafficking, and abuse. Methamphetamine is a deadly and rapidly growing epidemic that threatens the health and safety of our children, the environment and affects many communities around the nation. The Methamphetamine Initiative consists of three component requests: Increased Enforcement to target major methamphetamine trafficking organizations (\$7,898 million and 54 Special Agents); Resources for Hazardous Waste Removal and Laboratory Services to address critical health, safety and hazardous materials removal issues relating to methamphetamine (\$2.27 million and 14 positions--requested through the Violent Crime Reduction Program); and, Clandestine Laboratory Training to DEA personnel and State, local and foreign law enforcement organizations (\$878 million and 6 Special Agent positions).

Methamphetamine - More Abundant and Deadlier Than Ever

Methamphetamine is quickly becoming the growth drug of the 1990's. Although methamphetamine has been illegally used for decades, the control and distribution of this illicit product has moved away from the outlaw biker gangs, historically dominant in the methamphetamine trade, and into the hands of ruthless Mexican polydrug traffickers. These Mexican groups, have quickly transformed methamphetamine from a regional threat into one of national significance.

Methamphetamine, known on the street through names like "crank," "ice" and "speed", is a dangerous stimulant that results in the same addiction cycle and physiological trauma associated with crack cocaine. Both drugs, after prolonged use, lead to "binging"-- consuming the drug continuously for days without sleep. The user is then driven into a severe depression, followed by worsening paranoia, belligerence, and aggression; a period known as "tweaking". Finally, the user collapses from exhaustion, only to awaken days later to begin the cycle again. Unfortunately, as traffickers offer methamphetamine at increasingly higher purity levels, the effects of the drug are becoming much more pronounced.

According to Dr. S. Alex Stalcup, Addiction Specialist Advisor to the California Department of Justice:

"... today's more pure, more potent methamphetamine produces a reaction far more severe than even crack cocaine; causing sleepless binges that last up to 15 days and end with intolerable crashes. [One of Stalcup's patients] A 15 year old girl who shoots one-eighth of an ounce of methamphetamine daily, confided that she continues binging not for the euphoria, but for fear of the crash."

Methamphetamine may be injected, smoked, snorted, or taken orally; making it increasingly attractive to casual users and young people. The chemical effects of methamphetamine produce euphoria and an increased sense of energy and alertness; however methamphetamine may also produce heightened irritability, aggressive behavior, anxiety, excitement, auditory hallucinations and paranoia (delusions and psychosis). As a result, an individual under the influence of methamphetamine is much more prone to violent, sometimes murderous behavior. For example, in 1995, a father in New Mexico, under the influence of methamphetamine, decapitated his 14 year old son, thinking he was a "demon"; a sad testimony to the horrific impact methamphetamine can have on the American family.

Traditionally, methamphetamine use has been most pronounced among males between the ages of 19 and 40. However, reporting from epidemiologists and treatment professionals reveals increasing use among Hispanics (possibly due to increased involvement by Mexican poly-drug organizations), college students and young professionals. Furthermore, methamphetamine is less expensive than cocaine and produces a much longer "high". For example, the euphoric effects of cocaine typically last 1 - 2 hours; the "high" produced by methamphetamine lasts roughly 8 hours. This is just one reason why methamphetamine is becoming increasingly attractive to a growing number of users.

At the Methamphetamine Conference conducted in February 1998, DEA gathered over 240 Federal, State and local law enforcement organizations from across the country to assess the impact that increased methamphetamine trafficking has had on their States, counties and communities. The results of this conference, supported by statistical data from DAWN, indicate that the production, trafficking and use of methamphetamine is expanding at a rate similar to the rise of crack cocaine. For example, in America's heartland, to include such cities as Omaha, Nebraska, Des Moines, Iowa and Sioux Falls, South Dakota, methamphetamine has supplanted crack cocaine as the drug of choice. According to the latest information available from the Drug Abuse Warning Network (DAWN), the estimated number of nationwide emergency room drug abuse episodes involving methamphetamine has increased steadily since 1992. In fact, the number of methamphetamine related episodes almost doubled from 1989 to 1994. DAWN statistics indicate that the areas hardest hit by methamphetamine abuse include San Diego, Phoenix, San Francisco, Los Angeles, Dallas, Denver and Seattle. Methamphetamine related emergency room episodes in the Los Angeles area rose from 827 in 1992 to 1,418 in 1994--a 71 percent increase in 2 years. This surge in emergency room episodes was paralleled by increases in methamphetamine-related deaths. For example, in 1992, 68 deaths in Los Angeles were attributable to methamphetamine and in 1994 this figure more than tripled to 219 deaths. Clearly, there is a direct relationship between the availability of methamphetamine and its traumatic impact on American lives.

Methamphetamine Laboratories - An Environmental Nightmare

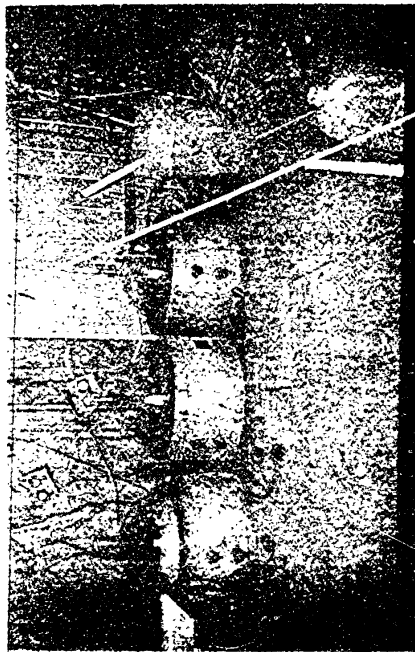
The illicit manufacture of methamphetamine can occur anywhere, in hotel rooms or apartment complexes, industrial areas, farms, a neighbor's house or any place an operator can set up laboratory equipment to synthesize their product. If an operator is manufacturing only limited amounts of methamphetamine, he/she would only need about 2 hours from set up to clean up, complicating enforcement efforts to locate and dismantle many clandestine laboratory operations.

Methamphetamine laboratory operators are often well-armed, and their laboratories occasionally are booby-trapped and equipped with scanning devices employed as security precautions. Laboratory operators, or "cooks," frequently display little regard for public safety and much less for the environment. The caustic, flammable and explosive chemicals required by "cooks" to produce methamphetamine in their "kitchens of death" are unsafely stored and disposed of, leading to the endangerment of the public and the pollution of the environment.

As sad evidence of these hazards, America lost three children in December 1995. These three toddlers, ages 1, 2, and 3 were burned beyond recognition in an explosion and fire inside a mobile home in California that allegedly contained an illegal methamphetamine laboratory. The following page depicts, as only photography can, the level of devastation caused by this tragic fire.



The actual manufacture of methamphetamine is accomplished, most commonly, by the ephedrine reduction method, which was used in 90 percent of all methamphetamine laboratories seized by DEA in 1995. Essentially, ephedrine is chemically combined with other chemicals like iodine and red phosphorus to produce methamphetamine. This is the method most favored by major traffickers, because it is a simpler route to synthesis and yields a much higher purity/potency level of methamphetamine than other methods, such as the phenyl-2-propanone method (commonly called P2P). Pictured below is an actual seized methamphetamine synthesis apparatus found in a clandestine laboratory.



DEA estimates that in an 18-month period ending in February 1995, Mexican drug organizations diverted some 170 tons of ephedrine from international sources, enough to produce 130 tons of methamphetamine. This would be more than enough to saturate the American market, lowering the price and making methamphetamine more accessible to potential users.

The Mexican Federation Now Dominates Methamphetamine Trafficking

The emergence of the Mexican Federation and its extensive involvement in methamphetamine production and distribution has redefined the methamphetamine problem in the United States. Unlike the cocaine business where Mexican traffickers must rely on Colombian suppliers, the Mexican Federation relies on no outside source for methamphetamine. They control all production, all transportation and distribution, *and all profits*.

The level of dominance that Mexican organized crime has been able to achieve over the methamphetamine market is attributable to a number of factors: 1) the Mexican Federation has established access to wholesale supplying sources of supply on the international market; 2) it is producing triple-identical quantities of high-purity methamphetamine in "garret labs" in Mexico; and 3) Mexican organized crime already controls well-established cocaine, heroin, and marijuana distribution networks throughout the United States. In 1995, DEA seized 315 kilograms of methamphetamine, of 1 as Ciudad New Mexico that was tied to the Arnaldo Carrillo Fuentes organization, one of the four most powerful drug organizations in Mexico. Parts of this shipment were destined for the states of Washington, Oklahoma, Illinois and Georgia. The methamphetamine was analyzed at a purity level of 98 percent and had an estimated street value of over \$50 million.

With its established smuggling and domestic production networks, the Mexican Federation is delivering and marketing its products to an ever increasing number of U.S. cities. For example, from 1993 to 1994, methamphetamine seizures rose 4,000 percent in the city of Des Moines, Iowa. As a sad result of this increased use, Iowa has cited methamphetamine as a contributing factor in 80 percent of the state's domestic violence cases and a major reason behind violent crime. In Atlanta, Georgia, methamphetamine has been transformed from "poor man's cocaine" to the drug of choice at upscale nightclubs; it is now more profitable for sellers than cocaine.

Furthermore, methamphetamine traffickers' disputes, acts of retribution and attempts to eliminate competition have led to a level of murder and mayhem that echo the gruesomeness of the "Cocaine Cowboys" of the early 80's. In 1993, Victor Marron was found dead in Chula Vista, California, shot execution style. The intended victim in this attack was not Victor, but his brother Nico -- a major methamphetamine producer and distributor in the San Diego area. Nico responded to his brother's killing by launching a bloody drug war that resulted in 26 murders in San Diego and Mexico. In June 1994, DEA Special Agent Richard Fass, a father of four, was ambushed, shot and killed by four methamphetamine traffickers, sad testimony to the fact that violence and methamphetamine go hand in hand.

Methamphetamine's increasing popularity, not only in California and along the Southwest Border, but also in states like Iowa, Missouri, Georgia and Arkansas, is pulling more and more communities into a vicious, downward spiral of increased addiction and violent crime. Surging demand in emerging domestic markets outside the traditional confines of the Southeast border states is driving drug trafficking profit margins higher and higher; this in turn, spurs increased production and takes more and

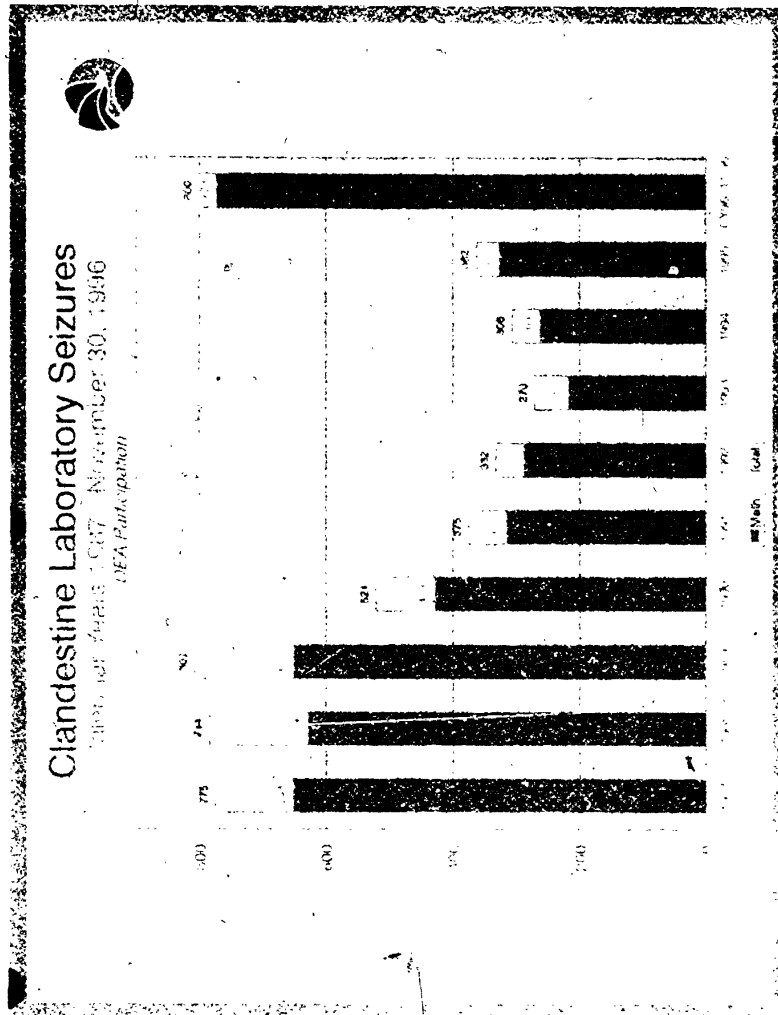
more traffickers and users into the methamphetamine trade. It is a case of simple economics, especially when considering that a pound of methamphetamine that sells for \$5,000 in California can sell for \$18,000 in Des Moines, Iowa or Tampa, Florida.

The profits and overall demand for methamphetamine are also leading many traffickers to establish an increasing number of clandestine laboratories, including industrial sized laboratories capable of producing five times the amount of methamphetamine than that of conventional laboratories. In California, the Bureau of Narcotics Enforcement's (BNE) seizures of methamphetamine and clandestine laboratories have increased dramatically. Methamphetamine seizures surged from 1,400 pounds in 1991 to over 18,000 pounds in 1996. Also in 1996, BNE's lab seizures reached 486; one every 18 hours.

The proliferation of clandestine laboratories is not limited to California alone. States like Missouri, Kansas, Oklahoma and Utah are also seeing significant increases in clandestine laboratory activity. Unfortunately, many emerging market/producer States' law enforcement agencies lack the experience in investigating and dismantling clandestine laboratories. In fact, a survey conducted at the Methamphetamine Conference in February 1998 indicated that two-thirds (64 percent) of State and local law enforcement are having difficulties conducting methamphetamine investigations. Although roughly half attributed their problems to scarce personnel resources, others cited financial constraints, poor intelligence, and an overall lack of knowledge of the hazards associated with clandestine laboratories.

Declative Federal Action is Critical

DEA has already taken important steps to address the growing menace of methamphetamine. In FY 1996, DEA devoted almost 10 percent more work hours to methamphetamine investigations than in 1994, resulting in more than 2,800 arrests, an increase of 20 percent over 1994. In FY 1996, DEA organized the first annual Methamphetamine Conference to raise national awareness of this growing problem and reallocated investigative resources to develop intelligence on clandestine methamphetamine production sites and to target laboratory operators. The results of this effort have been extraordinary. In the first eleven months of 1998, DEA seized 800 clandestine laboratories -- one every ten hours, amounting to a 220 percent increase over 1996. The alarming growth in methamphetamine laboratory seizures clearly indicates that methamphetamine use is exploding into a threat of national significance. The chart on the following page depicts DEA clandestine laboratory seizures since 1993. Clearly since 1993, clandestine laboratory activity has been growing at an alarming rate.



In 1997, DEA will expand overall interdiction and chemical control efforts along the Southwest Border. This should have a significant impact on the amounts of Mexican-produced methamphetamine reaching markets in the United States. Unfortunately, however, the existing resources that DEA can redirect to fight methamphetamine only come at the expense of other priority missions. Given the alarming increases in methamphetamine trafficking, production and abuse, DEA's existing resources are simply inadequate to meet the rising challenge ahead. Therefore, DEA requires sufficient investigative resources to attack methamphetamine at the national level.

Building on the Southwest Border Initiative and the National Methamphetamine Strategy, DEA is requesting resources to implement a multifaceted approach for controlling and reversing the surging menace of methamphetamine. This approach will attack the problem through increased domestic enforcement, heightened drug analytical support, and the implementation of an enhanced training program to both improve the investigative capabilities of law enforcement and comply with Federal safety laws.

Increased Enforcement

DEA requests \$7.898 million and 54 Special Agent positions to target major methamphetamine trafficking organizations operating in the United States and abroad. Clearly, in order to address the enormous threat posed by methamphetamine, DEA must have additional Special Agents. These investigative resources will be used to attack methamphetamine trafficking and production from both sides -- in States where trafficking is already an overwhelming problem like California and Arizona, and in emerging market and/or producer States like Utah, Missouri, Georgia, and Oklahoma. Once in place, these investigative resources will be used to develop intelligence on clandestine laboratories, focus special emphasis on high level and/or violent methamphetamine traffickers and integrate methamphetamine enforcement with international, Organized Crime Drug Enforcement Task Force (OCDETF) and Southwest Border investigations.

Hazardous Waste Removal and Laboratory Services. (This portion of the initiative is requested through the Violent Crime Reduction Program). DEA requests \$2.27 million and 14 positions (2 Diversified Investigators and 12 Chemists positions) to address critical health, safety and hazardous materials removal issues relating to methamphetamine.

Training

DEA requests \$0.878 million and 6 Special Agent positions to provide clandestine laboratory training to DEA personnel and State, local and foreign law enforcement organizations.

Investigating, seizing and dismantling clandestine drug laboratories poses significant challenges for law enforcement, particularly in safeguarding the health and safety of enforcement personnel and innocents. The following picture provides just a hint of the additional precautions, both in equipment and training, that DEA must take to ensure the safety of its personnel.



In fact, of the 32 chemicals mentioned in recipes for methamphetamine, roughly a third have been rated extremely hazardous - fainting, nausea, eye irritations, sore throats and respiratory ailments are the least of the side effects. For example, hydriodic acid can cause instant third-degree burns and destroy lung tissue if inhaled. If overheated, red phosphorus, another ingredient, burns furiously or turns into phosphine gas -- a World War I nerve agent capable of causing comas and death. These hazards are very real and very lethal. In California, a 2 month old baby was killed in 1994 by the fumes produced by a methamphetamine laboratory operating in the family home -- a tragic example of the dangers inherent to clandestine laboratories. Pictured below is the result of a clandestine laboratory that exploded, causing a damaging fire and potentially endangerment to investigative personnel and innocent bystanders.



In addition to these health and potentially life threatening chemical hazards, law enforcement must also deal with the threats posed by the laboratory operators themselves. Many of these individuals are well-armed and occasionally boot-trap their laboratories with explosives to kill or incapacitate interlopers and/or destroy the clandestine laboratory and any incriminating evidence. Given these potential dangers to property, to the environment and to the very lives of law enforcement personnel, adequate training must be provided to ensure that clandestine laboratories are seized and dismantled in a safe, effective manner.

According to the Code of Federal Regulations (CFR) (29 CFR Ch. XVII), the Occupational Safety and Health Administration (OSHA) requires employers to develop and implement a written safety and health program for their employees involved in hazardous waste operations. Individuals engaged in hazardous substance removal or other activities which expose or potentially expose individuals to hazardous substances and health hazards on a limited basis must receive a minimum of 24 hours of instruction off-site and a minimum of one day actual field experience under the direct supervision of a trained, experienced supervisor.

OSHA requires all law enforcement personnel to undergo this training before they are allowed to enter a clandestine laboratory. As a result, there is a direct relationship between the amount of training that can be provided and the number of enforcement personnel that are OSHA-certified to participate in the growing number of clandestine laboratory investigations. Therefore, as the Federal government and its State and local counterparts are required to dedicate additional law enforcement personnel to target methamphetamine, training efforts must be expanded accordingly.

Currently, DEA is the only Federal law enforcement agency that provides a consistent and proven training program for investigating, seizing and dismantling clandestine laboratories that meets OSHA requirements. Unfortunately, however, DEA's current training resources are simply inadequate to address the explosive growth in clandestine drug laboratories. For example, in FYs 1996/1997, DEA received funding from the Bureau of Justice Assistance (BJA) for five Clandestine Laboratory Certification classes, which is sufficient to train roughly 200 State and local law enforcement officers. This amounts to only four officers for each state in the Union. Over recent years, funds allocated to DEA for this program have decreased, significantly affecting DEA's ability to provide training to State and local law enforcement. Therefore, in order to assure program continuity and to keep pace with the national need for clandestine laboratory training, DEA is requesting the resources necessary to establish two regional training teams--a West Team and an East Team.

These teams would provide DEA Special Agents and State and local law enforcement with instruction on the use of special equipment and clothing, clandestine laboratory raid planning, investigative techniques, evidence collection, and hazardous chemical disposal. Additionally, DEA Special Agents and program funded task force officers receive necessary raid and safety

equipment to participate in clandestine laboratory seizure operations, since many of these items must be personally tailored to the wearer, (e.g. like boots, gloves, etc.) for safety reasons. Upon completion of these training programs, students would receive OSHA certification to permit their full participation in clandestine laboratory raids and dismantling operations.

Providing training under this geographic approach will allow DEA training personnel to become regional experts on clandestine laboratory activity and enhance DEA's ability to build productive relationships with its State and local customers. Each team, consisting of three Special Agents, would teach as many as 19 classes per year at roughly 40 students per class. Given the importance of this training, which is designed to save lives, DEA requires three core positions per team to ensure a reasonable teacher to student ratio of roughly 1:13. The Special Agent positions would be used to provide relevant investigative training and expertise on chemical identification, the manufacturing process of methamphetamine and other illegal drugs, chemical safety, and OSHA requirements. The training team would also teach students about the latest formulas and equipment utilized to manufacture methamphetamine and other illegal drugs in various parts of the U.S.

The need for additional clandestine training is evident and supported by the National Methamphetamine Strategy. Given DEA's position as lead drug enforcement agency and its extensive experience with methamphetamine, DEA should be provided the resources to take a lead role in this vital effort. At the 1996 Methamphetamine Conference, over 80 percent of the attendees stated that an intensified training program was needed and over 60 percent complained about difficulties in securing OSHA-mandated safety training for their enforcement personnel. Also, 71 percent stated that law enforcement personnel in their area had suffered health problems related to chemical exposure during clandestine laboratory investigations. Given these circumstances, clandestine laboratory training must be integral to any Federal, State or local enforcement effort on controlling the menace of methamphetamine.

INITIATIVE 2

Southwest Border Project	Pos.	EJE	Amount (\$000)
Domestic Enforcement Decision Unit	141	71	\$16,241
Intelligence Decision Unit	41	21	3,999
Research, Engineering, and Technical Operations Decision Unit	10	6	9,501
Total	192	97	\$29,741

Proposed Actions

This initiative seeks to address the following objectives:

- 1) To identify, arrest, and prosecute the leaders of the organized criminal groups from Mexico and Colombia that are responsible for transporting vast quantities of illicit drugs into the United States through the Southwest Border.
- 2) Through the use of human and technological investigative resources, to enhance the coordinated Federal effort to identify, penetrate, disrupt, and dismantle the major Mexican and Colombian trafficking organizations operating along the Southwest Border and throughout United States.

Southwest Border Project

DEA requests \$29,741 million and 192 positions (96 Special Agents, 50 Intelligence Analysts, and 46 Support) to apply investigative personnel and the latest investigative technology in continuance of the Department's comprehensive interagency strategy against drug trafficking on the Southwest Border. Of this amount, \$10,317,000 is for non-personnel/special costs. The Southwest Border initiative consists of three components: 1) Investigative Caseload, 2) Investigative Equipment, and 3) Intelligence Efforts.

Without the requested resources, much of the unconstrained flow of drugs across the Southwest Border will continue and the drug smuggling and trafficking of the Colombian Mafias and the Mexican Federation will flourish.

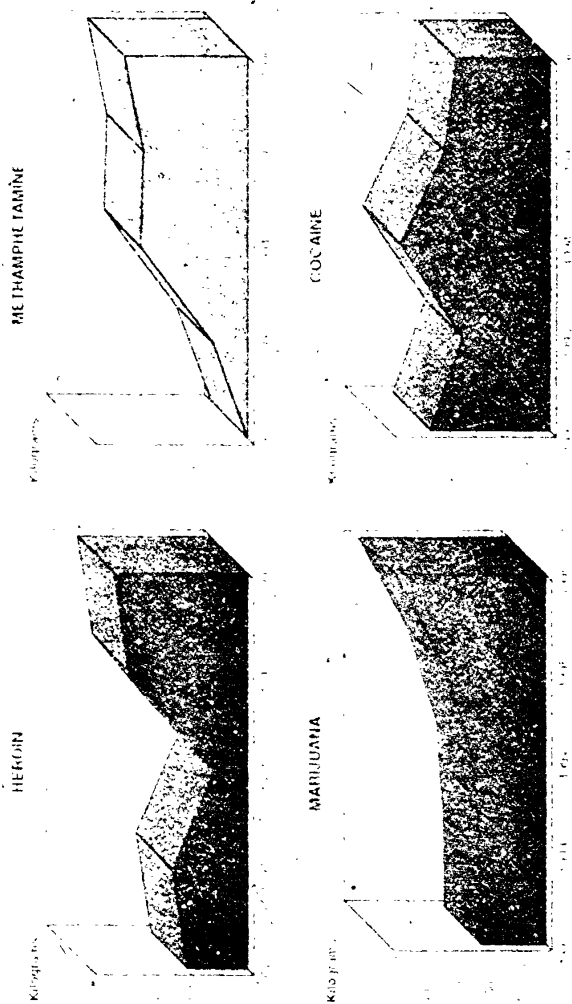
The Vast Majority of All Drugs Entering the U.S. Transit The Southwest Border.

Illegal drugs are transiting the 2,000 mile Southwest Border in record levels. Mexico and its border with the United States has become a gateway for all four of the major illicit drugs (cocaine, heroin, methamphetamine, and marijuana) entering the United States.

Mexico is a key transit country for South American cocaine destined for the United States. Current estimates indicate that the majority of all the cocaine that reaches American cities, suburbs, and rural towns is coming through the Southwest Border. Mexico also remains a major source country for heroin and marijuana, and Mexican traffickers have now become the primary producers and suppliers of methamphetamine. Recent intelligence indicates that major trafficking organizations are looking increasingly for alternative routes; as the Federal presence at the border escalates. Further, these traffickers appear willing to ship large bulk quantities of drugs by sea to avoid border interdiction.

The chart on the following page reflects Southwest Border seizures by DEA, U.S. Border Patrol, and U.S. Customs Service which demonstrate the dramatic increase in drug smuggling activity along the Southwest Border.

FEDERAL DRUG SEIZURES ON THE SOUTHWEST BORDER 1992 to 1996



DATA SOURCE: U.S. CUSTOMS AND BORDER PROTECTION

The major Mexican drug traffickers are made up of a loose "federation" of highly organized criminal syndicates who exploit their wide-range of abilities and geographic strongholds to transport multi-thousand kilogram quantities of cocaine as well as heroin, marijuana, and methamphetamine through the Southwest Border. This Mexican Federation consists of four major cartels: the Tijuana Cartel, led by the Arellano-Felix organization; the Sonora Cartel, led by the Caro-Quintero organization and the Juarez Cartel, led by the Carrillo-Fuentes organization. The gulf Cartel once led by Juan Garcia-Abrego has been substantially dismantled since Garcia-Abrego's arrest and conviction with the remnants having aligned themselves with the Carrillo-Fuentes organization.

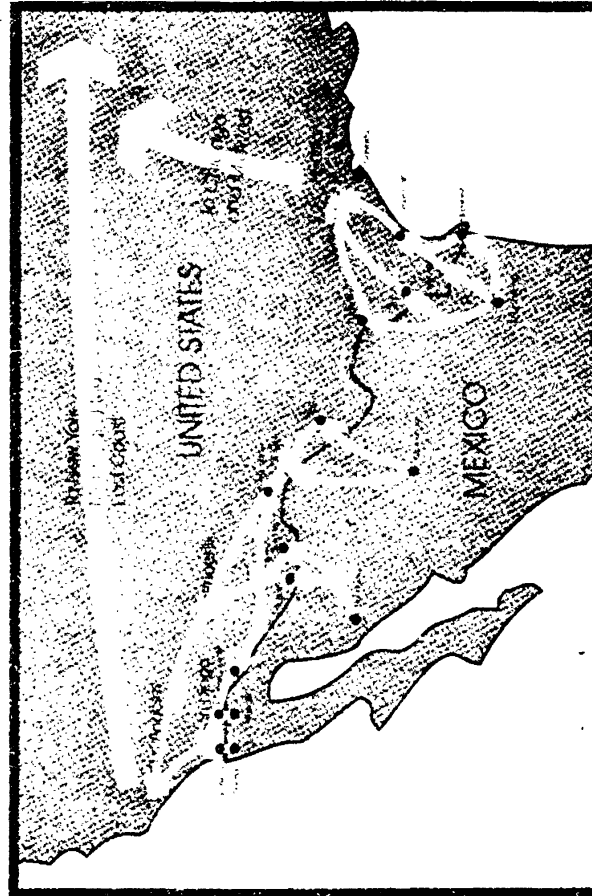
Traffickers Are Now Cooperating With Each Other

For the first time in decades, the Mexican Federation is so well organized that the Colombian Mafia entrusts them with their cocaine shipments to the United States. Perhaps of more concern is the fact that the various cartels of the Mexican Federation are, in some cases, cooperating and not competing with each other in regard to transshipment areas. The result is a well organized, increasingly sophisticated crime syndicate whose drug operations are flourishing through the ports of entry into the United States. The map on the following page illustrates how the Mexican Federation channels South American cocaine through major ports of entry along the border and then transships the drugs to Los Angeles and Houston where Colombian and Mexican cells reduce the cocaine and distribute it throughout the United States.

To counter this insurgence and force traffickers to employ riskier strategies, Federal law enforcement must continue to aggressively pursue organized drug trafficking currently funding the Southwest Border. The Office of National Drug Control Policy has recognized this most serious problem and made the Southwest Border one of the highest priorities in its 1995 and 1996 *National Drug Control Strategies*. The President has also called for renewed efforts on the part of Federal law enforcement to aggressively attack cross-border trafficking. In the 1997 appropriation, Congress took the first crucial step in combating border trafficking by providing DEA with 121 positions (64 additional Special Agents) and \$14.7 million, including \$9 million in contract linguist funding to be concentrated on the Southwest Border.

To coordinate the Federal law enforcement resources along the Southwest Border, DEA, in cooperation with the Federal Bureau of Investigation, the U.S. Attorney's Office, and the Criminal Division has developed an operational plan that provides an integrated and coordinated strategy for law enforcement counter drug activities along the Southwest Border. The goal of this plan is to attack the major Colombian and Mexican drug trafficking organizations simultaneously on both sides of the border by creating and sustaining a greatly enhanced operational effort that expands intelligence, enforcement operations and cooperative efforts with the Government of Mexico. Full and successful execution of this plan would significantly reduce the production, smuggling, distribution, and money laundering activities of the Mexican Federations, thereby reducing the amount of cocaine, heroin, marijuana, and methamphetamine reaching American communities.

SOUTHWEST BORDER TRANSHIPMENT ROUTES
FOR COCAINE DESTINED TO THE UNITED STATES



This Initiative addresses the plan's call for investigative resources to handle caseload along the Southwest Border, the investigative equipment to collect information and organize information on the Colombian and Mexican organizations, and the intelligence equipment and personnel to develop and apply the information that is collected.

Investigative Caseload

DEA requests \$16.241 million and 141 positions (86 Special Agents, 9 Intelligence Analysts, and 36 Support) for Investigative and support personnel throughout the Southwest Border to address the substantial caseload resulting from the Department's Southwest Border Project. This request builds upon the 1997 Southwest Border Initiative as requested in the 1997 President's budget and approved by the Congress.

In order for law enforcement to effectively neutralize drug trafficking on the Southwest Border, criminal cases must be initiated and fully developed against the command and control infrastructure of these drug syndicates. A tremendous shortfall of investigative personnel in DEA offices along the Southwest Border severely constrains the number, quality, and the cooperative effort of multi-jurisdictional investigations.

With the Federal government gearing up its drug control and immigration efforts on the Southwest Border, caseload for DEA offices in that region is burgeoning. On the California-Mexico border, for example, the U.S. Border Patrol has added 200 Special Agents. As a result, the 1995 caseload in DEA's Imperial County and San Ysidro Resident Offices has jumped by 78 and 63 percent respectively because of increases in Border Patrol referrals.

Furthermore, the Southwest Border operational plan calls for the intensive use of Title III wire intercepts against the Colombian and Mexican smuggling and distribution cells. This investigative technique has been proven to be extraordinarily effective. The Mexican Federation can also be attacked in a similar manner. DEA and FBI are currently implementing the extensive use of Title III intercepts throughout Southwest Border and other parts of the United States. These intercepts are beginning to produce substantial investigative leads that cannot be developed without additional investigative personnel.

Federal prosecutors also realize the need for additional investigative personnel. In a December 15, 1995 memorandum to the Executive Office for United States Attorneys, the U.S. Attorney for the Western District of Texas stated:

"DEA is, by any measure, seriously understaffed, and given the manpower intensive nature of wiretap investigations; the size of their geographical responsibilities; and the gravity of smuggling activity, a major increase in staffing is necessary."

The operational plan calls for 191 additional Special Agents to augment DEA offices on both the domestic and foreign side of the border by 1998. With the 96 Special Agents requested in this initiative and the 50 Special Agents that DEA received for 1997, DEA is closer to realizing the plan's full complement of 191 Special Agents.

Investigative Equipment

DEA requests \$9.501 million and 10 Investigative Assistants (equipment technicians) to apply and maintain the latest technology in Title III wire intercept equipment in support of investigations into the Mexican Federation and their drug trafficking operations along the Southwest Border. Of this amount, \$9,100,000 are special costs to purchase, install, and maintain digital intercept equipment.

As proven in recent efforts against the Cali Mafia, the coordinated use of extensive Title III wire intercepts is the most effective investigative strategy available to drug law enforcement personnel. Investigators must continue to apply this strategy against the Colombian Mafia and the Mexican Federation and their drug trafficking organizations in order to obtain the information needed to make the cases that can impact the flow of drugs across the Southwest Border and incarcerate those responsible for transshipment and sale of illicit drugs in American cities.

The backbone of the Southwest Border Project is the application of numerous intercepts within DEA offices throughout the Southwest Border. Substantial resources are necessary to orchestrate the collection and processing of such massive amounts of information. However, the Translation and Transcription Support System (T2S2), which is the latest technology that provides for the effective integration of communications interception, translation, and transcription of multiple wire intercepts, can greatly reduce the workload and administrative costs associated with the current use of dialed number recorders.

T2S2: the Latest Technology for Wire Intercepts

The T2S2 collects analog telephone voice, fax, and data and places this information into digital files which are immediately available for replay and detailed analysis. These files can be stored on a disc that can contain a month's worth of intercepts. Under the current system of Dialed Number Recorders, the intercepts are recorded on a cassette tape, of which, a month's worth would fill a large closet.

The T2S2 system can also immediately transfer intercepts to a central translation and transcription facility. In its Draper, Utah facility, the Department of Defense (DoD) transcribes numerous DEA intercepts. T2S2 was developed in cooperation with DoD so that digitized intercepts can be immediately sent to the Draper facility or to any other DEA T2S2 system.

The T2S2 allows DEA to effectively conduct as many as 24 intercepts at one time; save ever-shrinking evidence storage space; immediately transfer intercepts to transcription centers and DEA offices and prosecutors, rather than shipping large amounts of bulk tapes. Most importantly, it saves valuable Special Agent and analyst investigative time.

DEA's original plan called for the eventual installation of the system into all 20 division offices. However, the urgency of intercept efforts along the Southwest Border has prompted DEA to select the following eight border offices as the next priority for the system: San Diego, Dallas, Houston (expansion), Los Angeles (expansion), Phoenix, San Antonio, El Paso, and Albuquerque.

The first phase of T2S2 has been installed in DEA's New York, Miami, Houston, and Los Angeles division offices. Cost of this installation was \$5 million and was paid through Department of Defense funding. However, this one-time funding has been completely exhausted with no expectation of renewal. Consequently, DEA must secure funding for any additional installations. This request will allow DEA to install or expand T2S2 in the eight Southwest Border offices identified above.

DEA's increased activity in wire intercepts has resulted in an overwhelming demand for technical expertise. DEA technicians are responsible for all of DEA's technical investigative equipment (cameras, recorders, microphones, surveillance vans, etc.), which require full-time responsibility. DEA's technician staffing, however, has remained at a level established well before the implementation of DEA's intensive wire intercept program.

The continuing advancement in wire intercepts technology, coupled with the volume of intercepts conducted necessitates full-time technicians just for wire intercept operations in the DEA offices with the most intercept activity. Because the T2S2 system greatly expands DEA's capability to conduct multiple simultaneous intercepts, DEA is requesting one additional technician for each intercept room in the eight offices mentioned above, as well as, New York and Miami.

Intelligence

DEA requests \$3.899 million and 41 Intelligence Analysts for Intelligence efforts in support of the Southwest Border Initiative, including \$1,217,000 in special costs for equipment and software. The Intelligence request consists of two items:

- 1) Transaction Processing and Analysis System and 2) Intelligence Analysts.

Transaction Processing

A primary tool for DEA's investigative analysis is the Transaction Processing and Analysis System (TPA). The TPA workbench is a powerful, yet easy to use automated system for examining and analyzing transaction records for patterns, relationships,

and activities. The exploitation of investigative data for intelligence value is both an art and a developing science; TPA facilitates the analyst's exercise of the art while providing metrology and rigor in the science. Both novice and experienced analysts find it indispensable in their work. Expanded deployment to DEA field users will assure more timely support to current criminal investigations. *(A classified briefing on this program can be arranged for appropriately cleared individuals).*

Currently, TPA is located in DEA Headquarters and DEA offices in Newington; Virginia; New York; Miami; Houston; San Diego; Los Angeles; Tampa; and Bogota. Because of the significant data gathering effort along the Southwest Border, DEA requests \$1,217,000 million for the installation of TPA in other Southwest Border offices.

Intelligence Analysts Are Critical to the Investigative Effort on the Southwest Border

The volumes of intelligence that will be generated through data gathering and other investigative techniques applied as part of the Southwest Border Project cannot be addressed solely by Special Agents. DEA requires, at least, sixty Intelligence Analysts in Southwest Border offices by 1998.

DEA will require \$2,782,289 for an additional 41 Intelligence Analysts above the module to reach the 60 analyst requirement for 1998. These Intelligence Analysts would be assigned to DEA offices along the Southwest Border and would provide support to major ongoing cases through the identification of resources for asset forfeiture/seizure, Title III wire intercepts, pen registers, telephone toll analysis, and the preparation of operational and strategic assessments.

INITIATIVE 3

	Pos.	FTE	Amount (\$000)
Domestic Heroin Enforcement	60	30	\$5,000
Domestic Enforcement			

Proposed Actions

This initiative seeks to address the following objectives:

- 1) To intensify efforts in identifying, targeting, and arresting the leadership of major heroin trafficking organizations, thereby reducing the availability and purity of heroin within the United States.
- 2) To intensify enforcement efforts against major heroin traffickers operating within the United States.

Domestic Heroin Enforcement

DEA requests \$5,000 million and 80 positions (12 Special Agents, 20 Intelligence Analysts, and 28 Support Positions) to continue DEA's increased efforts to reduce the resurgent supply of heroin within the United States.

Without these resources, Federal drug enforcement efforts will not be able to help curtail the increasing availability and popularity of heroin, particularly South American heroin, and the resulting escalation of heroin-related overdoses and emergency room episodes, which cost the country billions in medical costs each year.

Heroin Use Is Growing Dramatically As New and Long-Time Users Discover New Ways to Abuse the Drug

No longer just a dirty injectable narcotic abused in back rooms and street alleys, heroin can now be administered through several different methods; and it has now become a fashionable drug, much like cocaine was in the 1980's and early 1990's. With increasing availability and purity levels, heroin abuse threatens to wreak havoc upon our nation's health care system. The Office of National Drug Control Policy recently reported in its publication, *Pulse Check*, that due to the new methods of administering heroin combined with increased availability from a variety of different sources, the heroin market is the fastest growing domestic drug market. Current estimates place the number of heroin addicts in the United States at approximately 700,000 -- up 200,000 from the 1995 estimate, and the number of heroin users at 2,000,000. As the popularity of heroin continues to grow, so does the toll it takes on the health of the country.

According to the latest published Drug Abuse Warning Network (DAWN) report, there were 76,023 heroin-related emergency room episodes reported across the country in 1995, up 115 percent from 1990.

The primary reason for the dramatic increase in heroin-related emergency room episodes is the skyrocketing purity levels of retail heroin in the United States. The following chart compares emergency room episodes with retail purity levels from 1977 to 1996.

**HEROIN - RELATED EMERGENCY ROOM EPISODES
AND AVERAGE HEROIN PURITY LEVELS
(National 1977 to 1995)**

E. R. EPISODES

80,000

60,000

40,000

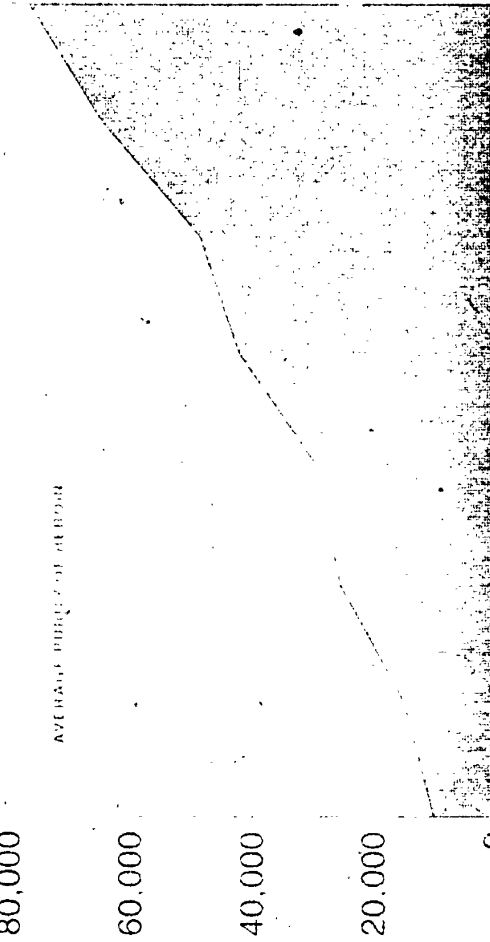
20,000

0

AVERAGE PURITY OF HEROIN

1977 1980 1983 1986 1989 1992 1994 1995
YEAR

SOURCE: Drug Abuse Warning Network (DAWN)



Reducing The Supply of Heroin Reduces Purity and Health Consequences

Price and purity are the most reliable indicators of heroin availability in the United States. As the previous chart shows, the average purity level of heroin increased eight-fold since the 1970's, and has more than doubled in the last five years. With this abundance of wholesale heroin entering the country, traffickers do not have to "cut" the drug nearly as much to make a profit. This means that a far purer and more dangerous product makes it to the retail market. As shown below, there is a direct correlation between the higher purity of domestic heroin and the number of emergency room episodes relating to drug overdoses and other drug-related medical conditions.



South American Heroin Traffickers Have Flooded The Market

A significant factor leading to the increased availability and purity of heroin is the entrance of South American heroin into the market. As the chart on the following page shows, South American heroin now accounts for 62 percent of the market, making it the most prevalent heroin available in the United States. To gain control of the American market, traffickers of South American heroin have "dumped" a high-purity heroin into the U.S. market at cut-rate prices or even as free samples.

Traffickers of South American heroin employ many of the proven smuggling methods such as smuggling through airports by means of internal body concealment. Most smuggling operations appear to be independent from the Colombian drug Mafias. Heroin traffickers from South America employ a large number of couriers to smuggle heroin mostly through internal and external body carries.

GEOGRAPHIC HEROIN SOURCE AREA DISTRIBUTION

1989, 1994, and 1995



1989



1994



1995

DEA Domestic Heroin Strategy

In 1994, DEA recognized the re-emergence of heroin abuse and trafficking that accompanied the introduction of South American heroin into the U.S. market. In response, DEA dedicated entire enforcement groups in the field solely to heroin investigations. DEA currently has 15 enforcement groups and five HIDTA enforcement groups that are solely dedicated to heroin investigations. Three of these groups were made possible through a 1998 enhancement of 30 Special Agents. Two groups existed before DEA started this aggressive initiative in 1994. The remaining 10 enforcement groups, or approximately 100 Special Agents, were established by reassigning existing resources from other investigations, such as cocaine and chemical drug investigations to heroin investigations.

With cocaine trafficking still the primary investigative target and methamphetamine emerging as a major concern, DEA can no longer afford to reassign existing enforcement groups to heroin investigations. There are DEA offices that are desperate to step-up their heroin investigations, but cannot sacrifice other critical investigations. With 12 additional Special Agents, DEA will be able to provide one additional enforcement group to one of these divisions.

Because heroin investigations are extremely complex, the collection and analysis of intelligence is vital and extremely time consuming. As DEA has focused more enforcement groups and Special Agents on heroin investigations, the demand for intelligence analysis is overwhelming. In 1998, DEA received 30 Special Agent positions for heroin enforcement, however, no intelligence or support positions were approved. The 20 intelligence analysts and 28 support positions requested will provide these dedicated enforcement groups with the analytical capabilities that are required for heroin investigations.

As heroin-related emergency room episodes and heroin purity increase, Federal law enforcement cannot stand idle in addressing this challenge. DEA is committed to applying investigative resources directly against heroin traffickers and reducing the availability of heroin within the United States.

An aggressive anti-heroin strategy will reduce available supplies and force dealers to either "cut" [dilute] the available supply or allow the price to rise. Experience has been that dealers will likely cut their product and lower purity, before raising price. An effective enforcement effort would reduce supply sufficiently to affect price and purity.

As DEA and other drug law enforcement seek to successfully constrict the availability of heroin, purity levels would drop, which in turn, would reduce the number of heroin-related emergency room episodes. Not only will this provide a tangible benefit by reducing health care costs, but it will also reduce the ready supply of cheap very pure heroin that would potentially "hook" a whole new generation of addicts.

INITIATIVE 4

	Pos.	EIE	Amount (\$000)
Investigative Shortfalls*			
Automated Data Processing	19	10	\$ 4,670
Management and Administration	19	10	\$ 8,340
Total	19	10	\$13,010

- * Additional resources for this Initiative of \$20,426 million are requested through the Violent Crime Reduction Program.

Proposed Actions

This Initiative seeks to address the following objectives:

1. To restore the base program funding to a minimum acceptable level to ensure adequate funding is available to programs which support DEA enforcement operations.
2. Continue with the upgrade of DEA's automated data processing systems to permit communication with other agencies and keep pace with increasing workload.
3. Complete the task to give DEA the ability to take current business processes and, through automation, reengineer these processes to allow the user to work more efficiently.
4. Complete the development and implementation of infrastructure that will provide DEA with a system that will permit the accessing, processing, and storage of both DEA Sensitive and Classified data.

Permanent Change of Station (PCS) Base Restoration

DEA requests \$7,801,000 to establish an adequate level of base program funding for the agency's Permanent Change of Station (PCS) program. This funding is critical to ensure Special Agent safety and integrity, as well as promote the agency's necessary career development goals.

DEA personnel must be moved for a variety of reasons, including changing enforcement priorities, career development, integrity assurance, and Agent safety.

International drug trafficking patterns are in a constant state of flux. Organized criminal groups adapt their modus operandi in response to the changing focus of law enforcement. For example, along the southern border of the U.S., the Colombian drug Mafias have begun shifting a portion of their smuggling operations from the Southwest border of the country, to the Caribbean corridor, in response to recent law enforcement resource and force distribution patterns. With drug trafficking patterns changing so rapidly, DEA needs to have an extremely mobile Special Agent workforce in order to successfully respond to the changes that occur.

Over the course of a career, a DEA Special Agent will typically be required to change duty stations three to four times for career development purposes. The goal of DEA's career development plan is to enhance Special Agent competence, while developing a highly capable managerial corps. This goal is best achieved through varied assignments.

Another factor influencing DEA's PCS policy is the need to move personnel in order to safeguard the overall integrity of the agency's Special Agent work force. Numerous studies, including the 1994 Mollen Commission Report on police corruption, cite the necessity of routinely moving law enforcement personnel to ensure work force integrity.

The extremely volatile nature of DEA investigations poses unique concerns in the area of Special Agent safety. Agents who are stationed at the same location for too long a period risk not only their own health and welfare, but also the welfare of other case Agents. Special Agent mobility also supports the assurance of integrity for ongoing cases, which can be compromised if Special Agents are not routinely reassigned to other posts of duty.

Over the past seven years (1990 - 1996), roughly 76 percent of DEA's PCS moves have been related to the transfer of Special Agents. This figure would actually be closer to 80 percent, if not for the high number of non-Agent personnel transferred in 1991, which worked to bring down the overall percentage of Special Agent PCS transfers.

During this time frame (1990 - 1996), DEA has moved an average of 594 employees (455 Special Agents) per year, costing an average of \$21.6 million annually. Due to funding limitations, PCS resources have varied considerably from one year to the

next. Prior to FY 1996, a significant amount of money was reprogrammed out of the agency's PCS funding base in order to meet other critical agency requirements. This resulted in an artificially low PCS operating base (e.g., \$12. million in 1995), far below what is required to maintain the agency's established PCS standards.

Due to these funding shortfalls, DEA was largely restricted to undertaking only mission critical transfers. Many of these moves involved senior level employees, which increased the cost of individual PCS moves. It also resulted in a significant PCS backlog which the agency only began to address in 1995 and 1996 with a series of one time reprogrammings. Despite the significant inroads made into this backlog over the past two years, DEA needs to permanently increase its overall PCS funding base in order to fully meet the agency's safety, career development, and integrity assurance guidelines.

In 1997, DEA's PCS funding base is \$23.2 million. In 1998, DEA requests an additional \$7.8 million in order to establish a permanent PCS operating base of roughly \$31.0 million. Without this additional funding for PCS, DEA will be forced to lengthen the tours of its Special Agent work force or divert operational funds to protect its workforce. Over the long term, required extended tours would adversely affect the quality and competency of DEA Special Agents, as well as pose additional concerns for the agency in the area of safety and integrity assurance.

A lack of Special Agent mobility could also lead to long term agency morale problems. DEA Special Agents sign mobility agreements upon entry into the organization, with the anticipation of being able to laterally transfer between positions. The lack of PCS funding in recent years has worked to limit the overall number of agency transfers, thus hindering Special Agent mobility and detrimentally affecting organizational morale. Without the establishment of an adequate PCS base, this problem will worsen over time.

Aircraft Replacement Base (*This portion of the initiative is requested through the Violent Crime Reduction Program*). DEA requests \$1.0 million to increase its base for replacing aging aircraft.

ADP Equipment Maintenance and Replacement

DEA requests \$4,670,000 to establish an equipment replacement base (\$2,670,000) and to restore an equipment maintenance base (\$2,100,000). These funds are essential if DEA is to properly manage and maintain critical ADP applications for investigations and support activities.

Equipment Replacement

For the last several years, DEA's ADP equipment base has been reduced to less than \$50,000. As a result, DEA has been unable to replace equipment as it reaches the end of its life cycle. Although DEA is in the process of a major office

automation procurement, FIREBIRD, this project does not provide funding for all of DEA's ADP equipment needs. There is much more to DEA's ADP program.

DEA requests \$2,570,000 for an equipment replacement base. Four examples of DEA's ADP equipment needs beyond the FIREBIRD project in 1998 are \$650,000 to purchase laptops for Special Agents, Inspectors, and Intelligence Analysts to complete assignments in the field; \$550,000 to replace high speed printers; \$900,000 to purchase equipment in support of the Network Control Center; and, \$470,000 to install the Non-Drug Evidence Data Base System in DEA's resident offices. This request would rebuild DEA's ADP equipment base to purchase mission-critical equipment when the need arises and replace equipment when it is no longer usable.

Laptops: The Office of Information Systems receives countless requests for laptops from the field during the year. As technology changes and improves, the capabilities of these computers grow. DEA must invest in technology that makes its personnel more productive, especially during times when agencies are trying to do more with less. Special Agents and Intelligence Analysts have requested laptop computers for use while traveling or on surveillances. Office of Professional Responsibility (OPR) personnel and inspectors need laptop computers for taking notes and writing reports while on travel. This request for \$650,000 will provide DEA with a base of laptops to replace laptops that are no longer in working condition. Because laptops are used primarily while employees travel, the wear and tear on them is significant.

Printers: In 1990, DEA purchased 37 high speed laser printers for DEA's field divisions, the forensic laboratories, and selected offices within DEA Headquarters. By 1998, these printers will be eight years old, obsolete and wearing out. Current printer technology is cheaper and, as time goes on, parts for the older printers will be harder to find. These printers are no longer being manufactured by Xerox and they are not on GSA's schedule for maintenance. Incidences of failures will increase; therefore, the printers will be idle longer for repairs. It is more cost effective to replace these printers. If these printers are not replaced, DEA's ability to provide timely support to major field investigations, operations, and programs would be affected.

Network Control Center Equipment: DEA's request for \$900,000 is the first of three annual increments to obtain Network Control Center (NCC) backup equipment. If this equipment is not purchased, DEA will not be in compliance with DOJ and OMB mandates to prepare contingency plans for mission critical installations. The nature of the NCC requires that backup operations be implemented within an extremely short time frame, substantiating the need for a standby, alternate site. Should the NCC equipment fail to operate, DEA data information operations would largely come to a complete halt, since the NCC serves as the communications focal point and switch for all incoming and outgoing data transfer operations. DEA must procure backup equipment to maintain vital communications functions in the event of an emergency.

Non-Drug Evidence Data Base System Equipment: The Non-Drug Evidence Data Base System (NEDS) has been evaluated as being essential for tracking evidence information and in conducting inventories. Based on this evaluation, NEDS needs to be

installed in all district and resident offices. With NEDS offices would no longer have to manually track evidence in custody. With the automation of the evidence vaults, information pertaining to evidence can be acquired almost instantaneously. This leaves technicians and investigators with more time to devote to other more important aspects of an investigation. Because of the number of offices involved, DEA plans to install NEDS in 120 offices over a three-year period; the deployment will cost approximately \$470,000 per year.

Equipment Maintenance

In order to keep pace with the challenges of drug law enforcement, DEA must spend significant resources each year on the acquisition of essential ADP equipment. This equipment provides DEA with access to time-critical information, facilitates inter-agency communication and information sharing, and greatly increases the productivity of DEA Special Agents. Unfortunately, as DEA's ADP equipment needs and inventories have expanded to keep pace with its operational requirements, adequate funding for critical equipment's system maintenance contracts has not been provided. Failure to provide this funding places this capital investment and DEA operations at increased risk - virtually all DEA programs, investigations and administrative functions rely heavily on this equipment. As an example, in a resident office with one office automation/FIREBIRD server, if the server shuts down, Special Agents would not be able to access NADDIS or other investigative systems.

The request for \$2,100,000 in maintenance funding will support general ADP equipment (see above) as well as the FIREBIRD and MERLIN projects. Although DEA has received additional funding to maintain FIREBIRD/MERLIN related telecommunications equipment, additional resources are vital to maintaining FIREBIRD and MERLIN workstations - the actual terminals needed by DEA employees to perform their duties. DEA is already in the process of installing Phase I of FIREBIRD (which includes DEA Headquarters and 19 domestic division offices) - at a cost of over \$50 million; once FIREBIRD is completely installed in all DEA offices, the financial requirement for the maintenance of these projects must be covered.

Put simply, investing in equipment maintenance makes sense. Maintenance funding is cost effective, since DEA simply can not afford to replace each piece of equipment when it breaks, and it greatly minimizes the possibility that operations will be unnecessarily affected when mission critical equipment is idled by equipment failure. DEA's requirements are based on the inventory listed in its property management system (estimated at over 36,000 pieces of ADP equipment) and DEA's estimated 1998 equipment maintenance costs. DEA's current equipment maintenance base is roughly \$5,300,000. This request will increase the base to approximately \$7,400,000.

FIREBIRD and MERLIN (Those portions of the Initiative is requested through the Violent Crime Reduction Program). DEA requests \$19,425 million to upgrade the quality of the agency's office automation/data processing systems.

Freedom of Information Act Program Support

DEA requests a total of 19 positions and \$539,000 (including \$123,000 in special program funding) to support implementation of the 1996 Electronic Freedom of Information Act (FOIA) Amendments.

On October 2, 1998 President Clinton signed into law the Electronic Freedom of Information Act Amendments of 1998. The amendments made to the Act by this new law address, for the first time, agency processing of electronic FOIA records, as well as time limits and agency backlogs surrounding FOIA requests. Many of the new amendments will take effect after a 180-day period, but the time limit and backlog-related provisions of the law will take effect after one year. Among the major changes affecting Federal agencies include provisions surrounding the development of electronic reading rooms and transmission of electronic FOIA records, as well as the aforementioned time limitations and backlog guidelines for responding to FOIA requests.

Regarding electronic reading rooms and electronic records, under the new FOIA provisions, when records are disclosed in response to a FOIA request, agencies will be required to determine if they have already become the subject of subsequent FOIA requests or, based upon the nature of the records and types of requests regularly received, are likely to be the subject of multiple requests of the same nature in the future. If either is the case, agencies will be required to make these records "reading room" records to be made automatically available to potential FOIA requesters. Further, the amendments will require agencies to use electronic information technology (preferably in the form of on-line Internet access) to enhance the availability of their reading room records.

The amendments will also require agencies to honor a requester's specified choice among existing forms of a requested record (including electronic requests), if the record is deemed to be readily reproducible in the requested format. Thus, agencies must now make reasonable efforts to search for records in electronic form or format, except when such efforts would significantly interfere with the operation of an agency's automated information systems.

Of primary concern to DEA are the several different provisions pertaining to the timing of agency responses to FOIA requests. First, the amendments increase the Act's basic time limit for agency responses to FOIA requests from 10 to 20 working days. A second provision provides a basis for agencies and FOIA requesters to reach agreement on the timing of agency responses in cases in which the circumstances of the particular request, rather than a more general "agency backlog," cause difficulty in meeting the Act's time limits. Third, and most significant to DEA, the amendments address the subject of general agency backlogs by limiting the conditions under which the Act's "exceptional circumstances" provision may apply. Such circumstances cannot include "a delay that results from a predictable agency workload of FOIA requests, unless the agency demonstrates reasonable progress in reducing its backlog of pending requests."

Finally, under the new amendments, a FOIA requester may now ask for expedited processing of a request if they are certified to have a "compelling need." The amendments also require an agency to make a reasonable effort to estimate the volume of FOIA documentation withheld from requesters, as well as respond to numerous newly implemented congressional FOIA reporting guidelines.

As previously noted, the new amendments addressing FOIA backlog and document turnaround time are of the utmost importance to DEA. By expanding document turnaround time from 10 to 20 days, the implication of the new law is that agencies will have more time to reduce existing FOIA backlogs. Although increasing the time frame for document turnaround, the new legislation includes a provision which allows the requester to file a civil action in Federal court if the request is not processed within the 20 day time frame. At the same time, the law does not provide for the currently existing administrative appeal process for agencies unable to meet this deadline, thus leaving little recourse for backlogged agencies.

For the past three years, DEA's FOIA backlog has varied between 400 and 700 requests annually. Despite a two year effort that improved DEA's FOIA response productivity by 30 percent, increases in the overall number of requests have kept the agency's FOIA backlog artificially high. To reduce this backlog and maintain the potential development of future backlog, DEA requires an additional 10 FOIA specialists.

The new 20-day turnaround requirement also places a major burden on DEA non-FOIA components, as well as FOIA staff personnel. The non-FOIA components of DEA cannot be unduly burdened with FOIA related file searches. Therefore, DEA's FOIA program requires an additional four pre-processing positions to aid non-FOIA components in necessary file searches. The technical requirements of electronic media will also initially require a coordinator who has the expertise to work in both the Electronic Data Processing (EDP) area and the FOIA field. One position is thus required to initiate DEA's program for electronic records response. An additional two clerical positions will be required to meet the expanded workload generated by the new specialists and pre processors.

The elimination of the "exceptional circumstances" delay in responding to FOIA requests and the concomitant right of requesters to sue in Federal court after expiration of the 20 day turnaround time will inevitably result in an increase in litigation against DEA. In addition, prisoners, who now submit the majority of FOIA requests, will have a new incentive to litigate. DEA will therefore require one additional attorney and one paralegal to handle the projected increase in civil actions.

In sum, DEA requests an additional 19 positions to fully implement the new FOIA provisions, permanently eliminate its current backlog of requests, and work to meet the 20 day turnaround time of the amended law. Included in the request is \$123,000 for special program funding to meet additional anticipated training and equipment requirements for new and existing FOIA personnel.

DRUG ENFORCEMENT ADMINISTRATION
PERFORMANCE MEASUREMENT TABLE PRESENTED BY ORGANIZATIONAL GOAL
ORGANIZATIONAL GOAL 1: Reduce the availability of illicit drugs in the United States and disrupt and dismantle
Drug Trafficking Organizations through DEA's Domestic Enforcement Operations

ORGANIZATIONAL GOAL 1: Reduce the availability of illicit drugs in the United States and disrupt and dismantle Drug Trafficking Organizations through DEA's Domestic Enforcement Operations					
PERFORMANCE INDICATOR INFORMATION					
Type of Indicator	Performance Indicators				
Input	1994 Actual	1995 Actual	1996 Estimate	1997 Estimate	1998 Estimate
1 Domestic FTE ¹	2,789	2,859	2,926	3,874	4,194
2 Domestic SIA Investigative Workhours	4,228,712	3,672,916	3,830,416	3,860,916	4,254,916
3 SIA Cooperative Investigative Workhours ²	527,599	744,083	901,583	1,059,083	1,216,583
4 Domestic PEPI (\$ thousands) ³		\$13,940.0	\$13,073.0	\$12,494.0	\$12,560.0
5 Title IIs Ordered ⁴	353	325	510	600	650
Output					
6 Domestic Criminal Cases Opened ⁵	12,552	14,642	15,270	15,910	16,962
7 SIA Cooperative Cases Opened	4,004	4,990	6,046	7,102	8,159
8 Domestic Investigative Documents	497,020	475,695	498,093	516,881	551,072
9 Domestic Arrests	9,589	9,825	10,248	10,678	11,342
10 SIA Cooperative Arrests	4,921	6,858	7,297	7,791	8,120
11 Number of Prosecutions ⁶					
a) Federal	13,900	14,200	14,869	15,429	16,450
b) State	6,000	7,000	7,926	8,258	8,804
12 Domestic Cannabis Eradication Suppression Program ⁷					
a) Plant Eradication	508,721	508,531	508,531	658,490	856,037
b) Outdoor Plots	53,588	64,436	64,436	83,787	106,897
c) Indoor Grows Seized	3,209	3,348	3,348	4,352	5,658
d) Arrests	13,106	13,857	13,857	18,014	23,418
13 Domestic Clandestine Labs Seized ⁸	306	362	850	935	1,028
End Outcome (Also see narrative outcome)					

A. Definition of Terms or Explanation for Indicators		
<p>All domestic statistics include the ODETF program</p> <p>All domestic statistics covering years 1995 - 1998 include the MET's program</p> <p>1997 estimates are based on resources approved in DEA's 1997 Appropriation</p> <p>1998 estimates are based on resources requested in the 1998 President's Budget Request</p> <p>The statistics reported in the 1998 Congressional Budget submission may not match with those statistics reported above. This is due to differences in statistical definitions and reporting times</p> <p>1. Reduction of 245 FTE in FY 1998, cut 152 workyears as a result of the conference mark. In FY 1998, 188 FTE transferred from State and Local Task Force (S&LTF) Salaries and Expenses (S&E) to the Violent Crime Reduction Program (VCRP). In FY 1997, 724 FTE transferred from S&LTF S&E to VCRP</p> <p>2. Cooperative SA investigative work hours increased by 31 percent from FY 1993-1994, and by another 41 percent from FY 1994-1995</p> <p>3. The latter increase occurred while overall investigative work hours declined slightly</p> <p>4. Represents total PEPI dollars expended by domestic and headquarters offices FY 1994 PEPI was not identified by decision unit at this time</p> <p>5. FY 1995 PEPI amounts are actual, FY 1997, and 1998 PEPI are estimates based on the 1998 Congressional In FY 1998, S&L VCRP was under separate appropriations. In FY 1997, funds for VCRP were transferred from S&LTF S&E to the VCRP.</p> <p>6. 1998 estimate based on actuals through 8/22/98.</p> <p>7. Excludes diversion criminal cases that are shown in Goal #3</p> <p>8. Reflects only cases prosecuted by Federal or State attorneys. Does not indicate convictions (see end outcome)</p> <p>9. Prosecution estimates are based on carryover arrest workload from previous years</p> <p>10. All DCESP data are compiled annually by calendar year rather than fiscal year. Therefore, data for FY 1998 has not been compiled</p> <p>11. Based on the explosive growth rate in clandestine laboratory seizures in FY 1999, DEA estimates for FYs 1998 - 1999 are conservative</p> <p>12. Furthermore, variables such as pending chemical control legislation and a proven ability by traffickers/lab operators to develop new ways of drug synthesis make forecasting difficult.</p> <p>The following initiatives included in the 1998 budget request impact the domestic program statistics</p>		
INITIATIVE	POSITIONS	SPECIAL AGENTS
Mechamphetamine	74	80
Southwest Border	192	86
Heroin	60	12
Investigative Shortfall	19	—
Total	345	168
<p>The 1998 estimates are based on the number of additional Special Agents lapsed at 50 percent. Therefore, 168 Special Agents were calculated in the 1998 investigative workhours estimate.</p>		

DOMESTIC ENFORCEMENT ACTIVITIES NARRATIVE OUTCOME

DEA's domestic enforcement activities have had a tremendous impact against drug trafficking and violence in communities throughout the United States. Below are recent examples of domestic law enforcement.

Zorro II Investigation

In early May, 1996, DEA, while working with dozens of Federal, State, and local law enforcement agencies, culminated an 18-month investigation that resulted in the shutdown of a cocaine trafficking partnership between the Cali mafia and a major Mexican mafia trafficking organization. This partnership was responsible for bringing multi-ton kilogram quantities of cocaine into the United States through the Southwest Border and eventually to small U.S. towns such as Rocky Mount, North Carolina. This investigation, which involved 13 DEA divisions, documented the Cali and Mexican Mafias' cooperative efforts to transport cocaine from Colombia to Mexico, where the Mexican mafia transported it across the border into El Paso and eventually to Los Angeles. Once in Los Angeles, the cocaine was turned back to the Cali mafia who then shipped it across country to New York where it was distributed throughout the East Coast. One path took a significant load of the cocaine from New York to Richmond, Virginia and ultimately to Rocky Mount, North Carolina.

The culmination of this investigation resulted in the arrest of 156 suspects, including key Cali and Mexican mafia figures; the seizure of over 5,500 kilograms of cocaine and 1,000 pounds of marijuana; and the seizure of several million dollars of drug proceeds. Most importantly, this investigation resulted in the dismantling of a major conduit for cocaine entering the United States destined for American communities.

MET deployment in Rampart Division of Los Angeles

In January 1996, Los Angeles Chief of Police Willie Williams requested the support of DEA's Los Angeles Mobile Enforcement Team (MET) to help combat escalating gang and drug violence in the Rampart Division of Southeast Los Angeles. The Rampart area is considered to be one of the most dangerous, averaging 14 homicides per month, half of which are drug related and involving more than 13 gangs.

The deployment began on April 23 and concluded on July 12, 1996. In addition to the arrests made by other agencies, the MET arrested 141 defendants on drug charges, of which 45 are considered violent gang members. According to reports from the area, overall violent crime in the target area dropped 25 percent since the deployment. Residents of the Rampart community were so appreciative of the law enforcement effort that they collected funds and purchased a billboard expressing gratitude to DEA and ATF for the effort (see the Violent Crime Initiative of the Fiscal Year 1997 budget request).

MET Deployment to Lynn, Massachusetts

In April 1995, DEA's Boston Field Division Office dispatched its Mobile Enforcement Team (MET) to Lynn, Massachusetts, located 25 miles outside of Boston. According to the acting police chief, Lynn has been overrun by drugs and drug violence, much of which is generated by members and associates of the Salem, Massachusetts chapter of the Hell's Angels motorcycle gang. The Salem chapter is one of the organization's most influential and most violent. On September 5, 1996, after a 16-month investigation, federal, state, and local officials executed warrants at ten locations in Lynn and arrested 15 defendants. One of them was the chairman of East Coast membership for the Hell's Angels.

DRUG ENFORCEMENT ADMINISTRATION									
PERFORMANCE MEASUREMENT TABLE PRESENTED BY ORGANIZATIONAL GOAL									
ORGANIZATIONAL GOAL 2: Reduce the availability of illicit drugs in the United States and disrupt and dismantle									
Drug Trafficking Organizations through DEA's Foreign Cooperative Operations									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators							1998 Estimate	1998 Estimate
Input	1 Foreign PE/PI (8 thousands) ¹	1994 Actual	1995 Actual	1996 Estimate	1997 Estimate	1998 Estimate	1998 Estimate		
	2 Foreign FTE ²	573	559	529	531	531	531		
	3 Foreign Offices ³	70	66	65	68	68	68		
	4 Foreign SIA Investigative Workhours	431,942	355,185	355,185	406,185	406,185	455,685		
Intermediate Outputs	5 Criminal Cases Opened	640	650	650	743	743	634		
Intermediate Outcome	6 Foreign Law Enforcement Officers Trained	2,846	1,840	2,800	2,800	2,800	2,800		
End Outcome (Also see narrative outcome)	7 Arrests	1,721	1,518	1,518	1,736	1,736	1,948		
A. Definition of Terms or Explanation for Indicators									
The statistics reported in the 1998 Congressional Budget submission may not match with those statistics reported above. This is due to differences in statistical definitions and reporting times.									
¹ Represents total PE/PI dollars expended by foreign offices. FY 1996, 1997, and 1998 PE/PI are estimates based on the 1998 Spring Call. FY 1994 PE/PI was not identified by decision unit at this time. FY 1996 PE/PI is an estimate based on FY 1995 actual usage per object class breakdown study. ² Reduction in FY 1996 of 30 FTE as a result of conference mark. ³ Includes the establishment of new offices in Moscow, Pretoria, South Africa, & Managua, Nicaragua in FY 1997.									

FOREIGN COOPERATIVE OPERATIONS NARRATIVE OUTCOME

DEA's foreign cooperative operations have had a tremendous impact against drug trafficking in foreign countries throughout the world. Below are recent examples of foreign cooperative operations.

Foreign Cooperative Investigations

Bogota: Operation Selva Verde is a cooperative, bilateral operation between DEA's Bogota Country Office and the Colombian National Police (CNP) Anti-Narcotics Unit. The primary purpose of this operation is to locate and destroy clandestine laboratories, airstrips and storage sites. A secondary purpose is to form a strong narcotics intelligence and operational alliance between DEA and the Government of Colombia. This operation has been extremely successful. The Bogota Country Office assists the CNP in developing and managing sources of information, as well as debriefing and making payments to these individuals. In addition, DEA provides aircraft and the Air Intelligence Group as aerial intelligence platforms to support this program.

During 1996, four major cocaine hydrochloride (HCL) laboratory sites were identified and destroyed--three of the sites were destroyed by the CNP in cooperation with the Bogota Country Office in Operation Selva Verde. The fourth site consisted of an HCL laboratory and a separate stand alone large chemical synthesis complex. This fourth laboratory site was identified and destroyed by the Colombian Army after a site visit by DEA.

Costa Rica: In October, 1996, information was developed by DEA and the Organization of Judicial Investigation on a group of Costa Rican and Colombian traffickers smuggling cocaine from Barranquilla to Costa Rica. An intercept determined that approximately 300 kilograms of cocaine had already arrived in Costa Rica by vessel. After arresting the main suspect and searching his residence, a warehouse was located revealing 389 kilograms of cocaine as well as a semi tractor trailer truck and a tanker with Guatemalan tags. The tanker had a concealed compartment which could only be accessed when the tanker was empty. The tanker had brought a load of soap from Panama and unloaded it at the warehouse. Once the compartment was loaded with cocaine, the soap would surround the compartment to conceal the cocaine.

ORGANIZATIONAL GOAL 3: Reduce the availability of illicit drugs in the United States and disrupt and dismantle Drug Trafficking Organizations through DEA's Intelligence Operations							
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators		1994 Actual	1995 Actual	1996 Estimate	1997 Estimate	1998 Estimate
Input	1 Total Intelligence Workhours		814,810	704,505	650,786	723,500	759,000
	a) Domestic Offices		436,953	313,242	283,468	331,900	346,100
	b) Foreign Offices		64,763	62,479	69,158	69,200	69,200
	c) Headquarters		170,357	195,635	185,232	202,300	216,500
	d) EPIC ¹		142,737	133,150	112,930	120,100	127,200
Output ²	Domestic/Foreign Offices and Headquarters						
	2 In-depth Reports/Studies		110	114	108	120	128
	3 Other Reports		2,544	3,261	4,252	4,800	5,575
	4 SRIPs		22	22	22	27	30
	5 Briefings/Training		728	859	952	980	1,325
	6 Electronic Queries ³		15,000	27,638	35,808	54,200	65,000
	EPIC						
	7 In-depth Reports/Studies		487	555	550	569	573
	8 Other Reports		10,050	8,748	19,174	27,525	31,500
	9 Briefings/Training		300	650	1,584	1,600	1,600
10 Electronic Queries/Updates ³		893,472	723,283	616,172	700,920	716,900	
A. Definition of Terms or Explanation for Indicators							
¹ EPIC input statistics provided for DEA personnel only (SA and Intelligence Analysts only)							
² Electronic queries reported for those systems directly managed and maintained by the Intelligence Division							
³ EPIC electronic updates and queries reported (Intermediate and end outcomes are to be determined in the future.)							

ORGANIZATIONAL GOAL 4: Prevent legitimately produced controlled substances from being diverted into illicit channels.						
PERFORMANCE INDICATOR INFORMATION						
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Estimate	1998 Estimate
Input	1. Domestic Diversion Investigative Workhours					
	a) Criminal Cases	249,427	250,480	232,615	293,327	316,320
	b) Complaint Cases	114,916	106,193	103,598	130,822	140,950
	c) Other Cases	124,489	125,164	131,368	185,652	178,750
Output	2. Diversion Investigator (Drug & Chemical) FTE	381	382	341	430	484
	3. Investigations ³					
	a) Criminal	1,610	1,505	1,448	1,500	1,600
	b) Pre-registrant	1,250	1,315	1,049	1,323	1,427
	c) Cyclic	809	844	839	844	860
	4. Permits & Declarations Issued for Legitimately Manufactured Drugs ³					
	a) Import/Export Declarations	3,334	3,004	3,712	4,000	4,500
	b) Import/Export Permits	1,935	1,909	2,239	2,700	3,200
	5. Procurement and Manufacturing Quotas	1,013	1,216	1,162	1,250	1,300
	6. Registrations Processed ⁴	341,387	328,573	317,281	381,500	368,500
	7. Arrests ⁵	352	444	470	583	537
Intermediate Outcome	8. Orders to Show Cause	133	133	113	130	144
End Outcome	9. Letters of Admonition	337	328	288	311	311
	10. Criminal and Civil Fines (\$ 000) ⁶	\$9,682.0	\$9,890.0	\$9,835.3	\$12,402.3	\$13,382.9
	11. Convictions ⁶	271	240	253	319	344

<p>A. Definition of Terms or Explanation for Indicators:</p> <p>The statistics reported in the 1998 Congressional Budget submission may not match with those statistics reported above. This is due to differences in statistical definitions and reporting times.</p> <ol style="list-style-type: none"> 1. FY 1998 Actual amount decreases due to decreased FTE allocations 2. Criminal and Pre-registrant investigations increases are based on an anticipated 20 % increase in the Diversion workforce and the establishment of Diversion Program Manager positions 3. Trends: Export permits and declarations are expected to continue increasing fairly steadily, but are not expected to increase significantly unless a new drug is added to CSA Schedule II. 4. The drop in the number of estimated registrations processed in FY 1998 is due to the cyclical nature of the program 5. Until the establishment of a budget for Drug Diversion, it was not necessary to keep separate statistics on Drug and Chemical Diversion work. Consequently, the Input Indicators, Criminal Investigations, Arrests, Seizures, Criminal and Civil fines include both Drug and Chemical Statistics. The remaining performance indicators reflect Drug Diversion Control only.

ORGANIZATIONAL GOAL 6: Reduce the availability of illicit drugs in the United States and disrupt and dismantle Drug Trafficking Organizations through DEA's drug related investigations conducted in conjunction with its State and Local Task Force program ¹									
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS						
Type of Indicator	Performance Indicators		1994 Actual	1995 Actual	1996 Estimate	1997 Estimate ²	1998 Estimate ³	1998 Actual	1998 Estimate ⁴
Input	1	State and local Task Forces/year end ¹	103	125	133	142	148		
	2	DEA Agents assigned to the SL Task Force/year end	607	615	668	668	668		
	3	SL Officers assigned to SL Task Force/year end	1,209	1,275	1,769	1,889	1,869		
	4	SL FTE ⁵	666	640	720	724	724		
	5	SL Task Force PEPI (thousands) ⁶		\$2,422	\$2,553		\$2,559	\$2,559	
Intermediate Output	6	SL Task Force Arrests	6,036	6,983	7,226	7,226	7,226	7,226	
	7	DEA SL Task Force Investigative Workhours	610,137	645,460	667,960	667,960	667,960	667,960	
Intermediate Outcome	8	SL Task Force Cases Opened	4,306	5,659	5,856	6,266	6,517		
	9	SL Student Trained	16,713	16,000	12,800	16,000	16,000		
	10	Asset Forfeiture Students Trained ⁷	1,000	1,000	1,174	3,044	3,044		
	11	Convictions	2,567	2,831	3,033	3,033	3,033		
End Outcome (Also see Narrative Outcome)									
A. Definition of Terms or Explanation for Indicators									
The statistics reported in the 1998 Congressional Budget submission may not match with those statistics reported above. This is due to differences in statistical definitions and reporting times.									
¹ Statistics for SL Cooperative and Mobile Enforcement Teams are under Goal #1 ² SL Task Force data are for all official task forces, both program funded and provisional ³ FY 1995 FTE reflects two reprogrammings and a conference mark increase of 178 FTE positions. In FY 1997 all FTEs transferred to the Violent Crime Reduction Program ⁴ Represents total PEPI dollars expended by SL Task Force offices. FY 1994 PEPI not available. FY 1996, 1997, and 1998 PEPI are estimates based on the FY 1998 Spring Call ⁵ FY 1994 and FY 1995 totals are estimates, since no reliable records exist for these years ⁶ No authoritative data for the SL Task Force Program is shown in FY 1992 or FY 1993									

STATE AND LOCAL TASK FORCE PROGRAM NARRATIVE OUTCOME

Expansion of Jurisdiction: Since State and local agents participating in DEA task forces are deputized to perform the same functions as DEA agents, their jurisdictional boundaries are expanded. Without this deputization, state and local law enforcement officers find that their jurisdiction to investigate drug cases stops abruptly at their state, county, or city borders. This expanded jurisdiction is imperative in investigating narcotics cases because drug dealers know no boundaries.

Shared Intelligence: The information shared by the federal, state, and local investigators is crucial to a successful drug investigation. Local drug agents know their communities--the dealers, their methods, their hangouts. Combining this local knowledge with DEA's broader expertise in drug investigations produces positive results: often an area's drug agents--federal, state, and local--each hold a piece of the intelligence puzzle, and sharing these puzzle pieces can more quickly produce a complete picture.

In one example of cooperative law enforcement, from 1991 to 1992, DEA worked with the Savannah, Georgia, Police Department; Chatham County Metro Drug Squad; the Bureau of Alcohol, Tobacco, and Firearms (ATF); the Internal Revenue Service (IRS); and the U.S. Marshals Service to arrest members of the Ricky Jivens organization, a violent drug trafficking gang. The investigation revealed that high-level members of the organization were required to commit murder as an initiation rite to secure their positions in the gang. Video surveillance recorded Jivens telling an informant to murder "any" person, regardless of their connection to the gang. The task force collected evidence to aid in prosecuting at least seven homicides, as well as thwarting widespread drug-related violence by causing the indictment of eighteen gang members. Several gang members were indicted and the organization leader, Jivens, was sentenced to life imprisonment and a \$1 million fine.

Experience Gained/Training: Bringing together all levels of law enforcement enhances training and provides invaluable experience to law enforcement. Most law enforcement agencies have few dollars to spend on training, and therefore most training is received on the job. Researching a criminal history, tracking down leads, analyzing pen registers, preparing a case with an Assistant United States Attorney, identifying drugs, prices and trends--these are all skills learned more quickly when an experienced officer works closely with a new officer. Task forces bring together groups of officers with a variety of expertise, such as knowledge of Organized Crime or established Confidential Informants, making cost-effective use of their knowledge.

Coordination: Relationships formed by DEA State and Local Task Forces facilitate coordination. During an undercover drug buy, it is not unusual for a local Task Force Officer to communicate with a marked police car, telling the car to leave the area. Surveillance assistance is another benefit of a close association of federal, state, and local officers. Many times a subject of surveillance is observed with an unidentified person. Rather than reveal the surveillance, a local Task Force Officer can quickly call in a traffic officer, who then makes a routine stop of a vehicle and subtly identifies the person.

Coordination also prevents duplication of effort, thus saving countless dollars. When drug agents get together to coordinate activities, they frequently find that several different agencies have been investigating the same dealers and can then make more efficient use of their time and resources.

Asset Forfeiture: Participating in joint operations allows State and local law enforcement to share equitably in assets seized from drug dealers. During FY 1992, State and local law enforcement received approximately \$230 million in forfeited cash and \$12.5 million in tangible property from Federal forfeitures. With law enforcement resources scarce, these equitably shared funds go far in fighting crime at all levels.

Sometimes a seizure benefits the entire community. Atlanta's State and Local Task Force seized 35 acres of property in the heart of the city, appraised for \$538,500, and seized an additional \$73,579 in cash. The United States Attorney and DEA's Special Agent-in-Charge agreed that because of the property's beauty and rarity, they should find an alternative to selling it. Although the task force agreement provided that the proceeds from seizures would be shared equally among the twelve state and local agency task force participants, all twelve agencies waived their rights to the property. After several months of planning and negotiation, title to the property was transferred to the Georgia Sheriff's Youth Homes, a non-profit organization sponsored by the Georgia Sheriff's Association. The Youth Homes will provide drug education to children, sponsored by each of the 12 Task Force agencies through a summer camp program. Nature trails and a nature science center will also provide education to children from schools within the 12 jurisdictions.

DRUG ENFORCEMENT ADMINISTRATION

Salaries and Expenses

Justification of Multi-Activity Program Changes (Dollars in thousands)

Budget Activity/Program	Metropolitan Police			Southwest Border Project			Domestic Border Control			Training			Investigative Support			Total		
	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount
Domestic Enforcement	54	27	\$ 7,898	141	71	\$ 16,241	60	30	\$ 5,000							255	128	\$ 28,139
Foreign Cooperative Investigations																		
Drug and Chemical Precursor Control																		
State and Local Task Force				41	21	3,999										41	21	3,999
Intelligence																		
Laboratory Services																		
Training										6	3	\$ 878				6	3	\$ 878
Research, Engineering, and Technical Operations				10	5	\$ 9,501										10	5	\$ 9,501
ADP																		
Management and Administration																		
Total	54	27	\$ 7,898	192	97	\$ 26,241	60	30	\$ 5,000	6	3	\$ 878	19	10	\$ 13,070	331	167	\$ 58,317

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Object Class	Domestic Employment		Intelligence		Training		Tech. Support		ADP & Telecom.		Management & Administration		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades														
GS-15	208	11,904	41	2,226	6	340	-	-	-	-	-	-	255	14,500
GS-12	-	-	-	-	-	-	-	-	-	-	-	-	-	-
GS-7	47	1,372	-	-	-	-	10	248	-	-	18	874	75	2,114
Administratively Displaced Pay	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Positions and Annual Rate	255	13,276	41	2,226	6	340	10	248	-	-	18	874	331	16,514
Leaves (1)	(127)	(8,533)	(20)	(1,183)	(3)	(170)	(8)	(134)	-	-	(8)	(887)	(164)	(8,347)
Other Personnel Compensation	28	1,149	-	-	42	-	-	-	-	-	-	-	70	1,182
Total Workyears and Personnel Compensation	156	7,882	21	1,153	3	213	2	134	-	-	10	287	198	9,478
Personnel Benefits	3,031	-	340	-	91	-	40	-	-	-	519	-	4,020	-
Travel and Transportation of Persons	843	-	82	-	32	-	1	-	-	-	6,004	-	7,133	-
Transportation of Things	42	-	6	-	2	-	2	-	-	-	312	-	362	-
Office Supplies	75	-	15	-	1	-	1	-	-	-	15	-	92	-
Period Payments to Others	13	-	2	-	2	-	20	-	-	-	11	-	113	-
Communications and Utilities	904	-	128	-	25	-	2	-	-	-	49	-	1,073	-
Printing and Reproduction	48	-	-	-	-	-	-	-	-	-	-	-	-	-
Advisory and Assistance Services	1,208	-	1,382	-	31	-	36	-	-	-	2,100	-	4,727	-
Other Services	2,090	-	12	-	77	-	1	-	-	-	2,180	-	4,360	-
Purchase of Goods and Services From Government	821	-	96	-	28	-	-	-	-	-	1,082	-	1,986	-
Purchase of Goods and Services From Other Sources	5	-	1	-	-	-	-	-	-	-	6	-	11	-
Operation and Maintenance of Facilities	148	-	16	-	8	-	1	-	-	-	179	-	352	-
Medical Care	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Operation and Maintenance of Equipment	-	-	48	-	21	-	-	-	-	-	69	-	139	-
Substance and Support	-	-	48	-	21	-	-	-	-	-	69	-	139	-
Supplies and Materials	827	-	632	-	331	-	9,324	-	-	-	2,490	-	13,204	-
Employee Compensation	13,900	-	632	-	331	-	9,324	-	-	-	2,490	-	23,487	-
Land and Structures	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Program PLE and Obligations	156	20,120	31	3,008	3	278	2	6,541	4,870	-	35	3,486	355	38,127

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Schedule of Domestic Motor Vehicles

Method of Acquisition and Types of Vehicles	1988 End- of-Year Inventory	1986		1987		1988	
		Acquired	End of Year Disposed	Acquired	End of Year Disposed	Acquired	End of Year Disposed
Direct Purchases							
Large Sedan	35	0	35	0	35	0	35
Midsize Sedan	2,044	467	102	2,409	611	500	2,520
Compact Sedan	718	0	83	655	0	655	0
Subcompact Sedan	20	0	20	0	0	20	0
Small Sedan	0	0	0	0	0	0	0
Station Wagon	35	0	1	34	0	34	0
Van	80	4	1	83	0	83	0
Bus	2	0	2	0	0	2	0
4-Wheel Drive	245	27	6	268	0	268	0
Special Purpose							
Sedan	9	0	0	9	0	9	0
4-Wheel Drive	41	0	41	0	0	41	0
Other	70	0	0	70	0	70	0
Trucks							
Pickup	10	4	1	13	0	13	0
Other	0	1	0	1	0	1	0
Subtotal Purchased	3,309	503	174	3,638	611	500	3,749
Leased							
Midsize	21	12	5	28	0	28	0
Seized or not cost excess							
Limousine	1	0	0	1	0	1	0
Large Sedan	2	0	2	0	0	2	0
Midsize Sedan	188	30	24	194	100	194	90
Other	656	44	82	618	0	618	0
Subtotal Seized	847	74	108	815	100	815	90
TOTAL VEHICLES	4,156	577	280	4,453	711	600	4,594
							1,488
							4,746

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Schedule of Foreign Motor Vehicles

[illegible]

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Schedule of Aircraft

Method of Acquisition and Type of Aircraft	1995 Actual			1996 Actual			1997 Estimated			1998 Estimated		
	End-of-Year Inventory	Acquired	Disposed	End-of-Year Inventory	Acquired	Disposed	End-of-Year Inventory	Acquired	Disposed	End-of-Year Inventory	Acquired	Disposed
Direct Purchase:												
Fixed Wing - Single Engine	24		(1)	23	3		26	3		29		
Fixed Wing - Multi Engine	9			9			4			9		
Helicopter - Single Engine	4			4			5			4		
Helicopter - Multi Engine	5			5			1			5		
Jet	1			1						1		
Subtotal Purchased	43	0	(1)	42	3	0	45	3	0	48	3	0
Leased:												
Fixed Wing	0			0			0			0		
Helicopter	0			0			0			0		
Subtotal Leased	0	0	0	0	0	0	0	0	0	0	0	0
Seized:												
Fixed Wing - Single Engine	25	1	(15)	11			11			11		
Fixed Wing - Multi Engine	10		(1)	9			9			9		
Helicopter - Single Engine	7			7			7			7		
Helicopter - Multi Engine	1			0			0			0		
Jet	1			1			1			1		
Subtotal Seized	43	1	(16)	28	0	0	28	0	0	28	0	0
Military:												
Fixed Wing - Single Engine	1			1			1			1		
Fixed Wing - Multi Engine	13			13			13			13		
Helicopter - Single Engine	1			1			1			1		
Helicopter - Multi Engine	1			0			0			0		
Jet	15	1	(1)	15			15			15		
Subtotal Military	15	1	(1)	15	0	0	15	0	0	15	0	0
TOTAL Aircraft	101	2	(18)	85	3	0	88	3	0	91	3	0

**Drug Enforcement Administration
Salaries and Expenses
Status of Congressionally Requested
Studies, Reports, and Evaluations**

House Report 104-676 relating to the Drug Enforcement Administration Appropriations Act, 1997, requires that DEA submit a quarterly report, beginning with the first quarter of F Y 1997, that provides investigative work hours and funding, by type, within major drug source and transit countries, delineated by country and function.

The Committee requested that the first report be submitted by January 15, 1997. DEA has requested clarification of the reporting requirements and is currently waiting for further guidance.

**Drug Enforcement Administration
Salaries and Expenses
Priority Rankings**

Base Program		Program Increases	
Program	Ranking	Initiative	Ranking
Domestic Enforcement	1	Methamphetamine	1
Drug and Chemical Diversion	2	Southwest Border	2
Control	3	Heroin	3
Intelligence	4	Investigative Shortfalls	4
Research, Engineering &	5		
Technical Operations	6		
Training	7		
Automated Data Processing			
Management & Administration			

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Detail of Permanent Positions by Category

CATEGORY	1996			1997			1998		
	Total			Total			Program		
	Auth	Reimb	Total	Auth	Reimb	Total	Transfers	Increases	Total
Attorneys (105)	44	-	44	44	-	44	-	-	44
Other Legal and Related (500-994)	15	-	15	15	-	15	-	-	15
Legal Instruments Examining Series (663)	29	-	29	29	-	29	-	-	29
General Investigative Series (1010)	55	-	55	55	-	55	(10)	-	65
Criminal Investigative Series (1011)	2,714	800	3,514	2,308	800	3,108	(377)	168	2,941
Medical Services (1000)	15	-	15	15	-	15	-	-	15
Other Miscellaneous Occupations (001-099)	18	-	18	18	-	18	-	-	18
Intelligence Series (1301-151)	402	-	402	409	-	409	(35)	70	444
Personal Management (200-299)	88	-	88	88	-	88	-	-	88
General Administration, Clerical and Office Services (300-399)	1,685	238	1,923	1,528	239	1,767	(256)	89	1,601
Biological Sciences (400-499)	4	-	4	4	-	4	-	-	4
Accounting and Budget (500-599)	101	-	101	101	-	101	-	-	101
Medical, Dental and Public Health (600-799)	7	-	7	7	-	7	-	-	7
Engineering and Architecture Group (800-899)	6	-	6	6	-	6	-	-	6
Information and Arts Group (1000-1099)	18	-	18	18	-	18	-	-	18
Business and Industry Group (1100-1199)	9	-	9	9	-	9	-	-	9
Physical and Sciences Group (Other than Chemists) (1200-1299)	10	-	10	10	-	10	-	-	10
Chemist Series (1300)	207	-	207	210	-	210	(210)	9	9
Library and Archives Group (1400-1499)	3	-	3	3	-	3	-	-	3
Mathematics and Statistics Group (1500-1599)	10	-	10	10	-	10	-	-	10
Equipment, Facilities and Service Group (1600-1699)	40	-	40	40	-	40	-	-	40
Education Group (1700-1799)	3	-	3	3	-	3	-	-	3
Supply Group (2000-2099)	22	-	22	22	-	22	-	-	22
Transportation (2100-2199)	6	-	6	6	-	6	-	-	6
Ungraded (Wage Grade & Foreign Service Local)	21	-	21	21	-	21	-	-	21
Total	5,571	1,041	6,612	5,550	1,042	6,592	(889)	332	5,703
Washington	1,259	44	1,303	1,255	44	1,299	-	20	1,319
U. S. Field	3,791	997	4,788	3,220	998	4,218	(869)	312	3,349
Foreign Field	879	-	879	875	-	875	-	-	875
Total	5,921	1,041	6,962	5,350	1,042	6,392	(889)	332	5,503

DRUG ENFORCEMENT ADMINISTRATION

Salaries and Expenses
Summary of Attorney/Agent and Support Positions by Category

APPROPRIATION POSITIONS

	1997 as Enacted						1998 Base					
	Agents Pos	FTE	Attorneys Pos	FTE	Support Pos	Total FTE	Agents Pos	FTE	Attorneys Pos	FTE	Support Pos	Total FTE
Decision Unit	1,451	1,336	-	-	652	2,003	1,451	1,343	-	-	652	2,003
Domestic Enforcement	378	343	-	-	185	504	378	343	-	-	185	504
Foreign Cooperative Investigations	6	7	-	-	61	69	6	7	-	-	61	69
Drug and Chemical Diversion Control	-	-	-	-	-	-	-	-	-	-	-	-
State and Local Task Forces	137	142	-	-	528	695	137	142	-	-	528	695
Intelligence	1	1	-	-	323	324	1	1	-	-	323	324
Laboratory Services	79	78	-	-	31	110	79	78	-	-	31	110
Training	109	109	-	-	225	344	109	109	-	-	225	344
Research, Engineering, and Technical Operations	-	-	-	-	97	97	-	-	-	-	97	97
Automated Data Processing	-	-	-	-	-	-	-	-	-	-	-	-
Management and Administration	83	81	44	44	518	603	83	81	44	44	518	603
TOTAL	2,305	2,158	44	44	2,701	5,050	1,978	1,841	44	44	2,191	4,103

REIMBURSABLE POSITIONS

	1997 as Enacted						1998 Base					
	Agents Pos	FTE	Attorneys Pos	FTE	Support Pos	Total FTE	Agents Pos	FTE	Attorneys Pos	FTE	Support Pos	Total FTE
Decision Unit	773	759	-	-	202	962	773	759	-	-	202	962
Domestic Enforcement	-	-	-	-	-	-	-	-	-	-	-	-
Foreign Cooperative Investigations	-	-	-	-	-	-	-	-	-	-	-	-
Drug and Chemical Diversion Control	-	-	-	-	-	-	-	-	-	-	-	-
State and Local Task Forces	14	14	-	-	31	45	14	14	-	-	31	45
Intelligence	-	-	-	-	-	-	-	-	-	-	-	-
Laboratory Services	16	14	-	-	5	21	16	14	-	-	5	21
Training	-	-	-	-	-	-	-	-	-	-	-	-
Research, Engineering, and Technical Operations	-	-	-	-	-	-	-	-	-	-	-	-
Automated Data Processing	-	-	-	-	-	-	-	-	-	-	-	-
Management and Administration	603	587	-	-	238	1,042	603	587	-	-	238	1,042
TOTAL	1,400	1,367	-	-	476	1,883	1,396	1,376	-	-	476	1,872

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Summary of Attorney/Agent and Support Positions by Category (Continued)

APPROPRIATED POSITIONS

	1989 Increases						1988 Request Level					
	Agents Pos	FTE	Pos	Attorneys Pos	FTE	Support Pos	Agents Pos	FTE	Pos	Attorneys Pos	FTE	Support Pos
Decision Unit	182	81	-	-	93	47	1813	1,444	-	-	745	742
Domestic Enforcement	-	-	-	-	-	-	-	-	-	-	-	-
Foreign Cooperative Investigations	-	-	-	-	-	-	-	-	-	-	-	-
Drug and Chemical Division Control	-	-	-	-	-	-	9	9	-	-	81	80
State and Local Task Forces	-	-	-	-	-	-	-	-	-	-	-	-
Intelligence	-	-	-	-	41	21	137	142	-	-	569	561
Laboratory Services	-	-	-	-	-	-	-	-	-	-	-	-
Training	6	3	-	-	-	0	85	81	-	-	31	31
Research, Engineering, and Technical Operations	-	-	-	-	10	5	169	168	-	-	235	229
Automated Data Processing	-	-	-	-	-	-	-	-	-	-	59	56
Management and Administration	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	196	84	-	-	163	83	2,092	1,925	44	44	582	583
											2,324	4,494

Reimbursable Positions

Estimates by Program						1988 Request Level					
Agents Pos	FTE	Pos	Attorneys Pos	FTE	Support Pos	Agents Pos	FTE	Pos	Attorneys Pos	FTE	Support Pos
Domestic Enforcement	-	-	-	-	-	773	759	-	-	202	203
Foreign Cooperative Investigations	-	-	-	-	-	-	-	-	-	-	-
Drug and Chemical Division Control	-	-	-	-	-	-	-	-	-	-	-
State and Local Task Forces	-	-	-	-	-	-	-	-	-	-	-
Intelligence	-	-	-	-	-	14	14	-	-	31	31
Laboratory Services	-	-	-	-	-	-	-	-	-	-	-
Training	-	-	-	-	-	18	14	-	-	5	4
Research, Engineering, and Technical Operations	-	-	-	-	-	-	-	-	-	-	-
Automated Data Processing	-	-	-	-	-	-	-	-	-	-	-
Management and Administration	-	-	-	-	-	-	-	-	-	-	-
TOTAL	-	-	-	-	-	803	787	-	-	238	239
											1,042

DRUG ENFORCEMENT ADMINISTRATION

Salaries and Expenses Summary of Change (Dollars in thousands)

DIRECT	Permanent Positions	Workyears	Amount
1997 Appropriation Anticipated	5,050	4,912	\$ 748,668
Transfers:			
Reverse Diversion transfer	-	-	15,000
Reverse HIDA transfer	-	-	(13,278)
Transfer from VCRP	-	-	29,232
Transfer to VCRP	(888)	(853)	(188,529)
	(888)	(853)	(137,575)
Mandatory Increases:			
1998 Pay Raise	-	-	7,490
Annualization of 1997 additional positions	1	62	2,854
Annualization of 1997 Pay Raise	-	-	2,737
Foreign Allowance	-	-	140
Travel Mile, Allowance Rate	-	-	134
Correspondence Management System	-	-	18
ICASS Increase for Staffing	-	-	502
Spectrum Frequency Management	-	-	95
Northern Mariana	-	-	190
General Pricing Level Adjustment	-	-	3,809
Technical workyear Adjustment	-	5	-
Total, Mandatory Increases	1	67	17,767
Decreases:			
Non-recurring Counter-terrorism equipment	-	-	(3,360)
1998 Base	4,183	4,126	625,498
Program Changes	331	187	56,527
1998 Estimate	4,494	4,293	682,025

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

		Perm Pos.	FTE	Amount
Adjustments to Base				
Transfers to and from other accounts				
1	Reverse Diversion Transfer	-	-	\$ 15,000
2	Reverse HIDTA Transfer	-	-	(13,276)
3	Base Resources from VCRP	-	-	29,232
4	Base Resources to VCRP	(688)	(853)	(188,528)
	Total Transfers	(688)	(853)	(137,575)
Increases (Automatic, non policy)				
1	Annualization of 124 additional positions approved in 1997	1	62	2,854
<p>This provides for annualization of 124 additional positions provided in the 1997 Congressional Action for Domestic Enforcement, Foreign, Chemical Diversion and Intelligence programs. This request includes non recurring costs for one time items associated with the increased positions</p>				
<p>Annual rate of 124 approved positions</p>				
<p>Other Personnel Compensation</p>				
<p>Net Compensation</p>				
<p>Associated Employees Benefits</p>				
<p>Travel</p>				
<p>Transportation</p>				
<p>Communication of Things</p>				
<p>GSA Rent</p>				
<p>Communications/Utilities</p>				
<p>Printing/Reproduction</p>				
<p>Other Services</p>				
<p>Supplies and Materials</p>				
<p>Equipment</p>				
Total Costs Subject to Annualization				
				15,290,000
2	1999 Pay Rate			7,490
<p>This request provides for the proposed 3.0 percent pay raise to be effective in January of 1999 and is with Administration policy included in the 1998 President's Budget Request. The increase includes locally pay adjustment as well as general pay raise. The amount requested, \$7,490,000, represents the pay increase for the quarter ending March 31, 1999 plus appropriate benefits, \$5,655,000 for pay and and \$1,832,000 for benefits = \$7,490,000</p>				
<p>Approved 1997 Increases</p>				
<p>Annualization Required</p>				
<p>3,037,000</p>				
<p>3,119,000</p>				
<p>387,000</p>				
<p>3,506,000</p>				
<p>1,503,000</p>				
<p>1,384,000</p>				
<p>1,257,000</p>				
<p>(40,000)</p>				
<p>93,000</p>				
<p>393,000</p>				
<p>393,000</p>				
<p>93,000</p>				
<p>404,000</p>				
<p>26,000</p>				
<p>2,516,000</p>				
<p>463,000</p>				
<p>1,018,000</p>				
<p>78,000</p>				
<p>4,165,000</p>				
<p>(3,369,000)</p>				
<p>15,290,000</p>				
<p>2,854,000</p>				

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Justification of Adjustment to Base (continued)
(Dollars in thousands)

	Perm Pos	FTE	Amount
3 Annualization of 1997 Pay Raise This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent. This increase includes locally pay adjustments as well as the general pay raise. The amount requested \$2,737,000 represents the pay amounts for one quarter of the year (\$2,217,000 for pay and \$520,000 for benefits)	-	-	\$ 2,737
4 Foreign Allowance Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$140,000 provides a 1.7 percent increase over the obligations of \$7,782,000 which are projected for 1997	-	-	140
5 Mileage Allowance rate increase The mileage allowance rate has increased from 30 to 31 cents per mile. An increase of \$134,000 is requested in 1998 to cover this rate adjustment	-	-	134
6 Correspondence Management System An increase of \$16,000 is required in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. The new system provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved recordkeeping, and improved reporting capability	-	-	16
7 ICASS increase for staffing ICASS an annual charge will be made by the DOS for administrative support based on the number of overseas staff for each Federal agency. Because the law enforcement operations of the Department of Justice has increasing international demands, additional overseas staffing since 1995 will result in increased ICASS costs in 1998. Based on the additional staffing, DOS has requested an increase of \$502,000 for DEA in 1998	-	-	502
8 Spectrum Frequency Management Public Law 104-134 authorizes the Secretary of Commerce to charge Federal agencies for spectrum management services. The National Telecommunications and Information Administration estimates that the Department of Justice costs for 1998 will be \$723,000 based on an annual number of frequency assignments. Given the dependence of the Department's law enforcement operations on efficient and dependable frequency management, this funding is necessary to continued operations. Funding of \$95,000 is requested for the Drug Enforcement Administration.	-	-	95

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Justification of Adjustment to Base (continued)
(Dollars in thousands)

	Parm Pos	FTE	Amount
9 General Pricing Level Adjustments			\$ 3,609
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, and transportation costs, and utilities.			
10 Northern Mariana Islands			190
Prior to 1998, the Department of Interior reimbursed the Department of Justice for the cost of addressing law enforcement problems in the Commonwealth of the Northern Mariana Islands (CNMI). However, beginning in 1998, reimbursement of these costs will not be available. Funding of \$180,000 is requested for Drug Enforcement Administration.			
11 Technical Workyear Adjustment		5	
An increase of 7 reimbursable workyears to be funded by the Working Capital Fund retained earnings is requested to cover the necessary expenses for the preparation of the Department-wide audited financial statement required by the Government Management Reform Act of 1994, and a decrease of 2 reimbursable workyears related to FMS and INL (Russia).			
Total Increases	1	67	17,787
Decreases			
1 Non-recurring Counterterrorism equipment			(3,360)
Total Adjustments to Base	(857)	(786)	(123,167)

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grade & Salary Range	1987 Actual		1987 Request		1988 Request		Increase/Decrease	
	WF	Amount	WF	Amount	WF	Amount	WF	Amount
Executive Level II, \$123,100	1		1		1		-	
Executive Level IV, \$168,200	1		1		1		-	
ES-6, \$111,700	4		4		4		-	
ES-5, \$111,600	6		6		6		-	
ES-4, \$107,300	34		34		34		-	
ES-3, \$101,600	10		10		10		-	
ES-2, \$97,400	1		1		1		-	
ES-1, \$93,200	1		1		1		-	
GS-15, \$75,935.98-714	200		200		200		-	
GS-14, \$64,555.83-522	931		931		931		-	
GS-13, \$54,026.71-517	1,296		1,296		1,296		-	
GS-12, \$43,507.59-515	1,172		1,172		1,172		-	
GS-11, \$34,320.48-511	372		372		372		-	
GS-10, \$24,887.40-504	2		2		2		-	
GS-09, \$21,860.41-500	281		281		281		-	
GS-08, \$20,861.37-499	190		190		190		-	
GS-07, \$19,862.33-497	155		155		155		-	
GS-06, \$18,863.30-494	348		348		348		-	
GS-05, \$20,087.27-183	302		302		292		(10)	
GS-04, \$18,087.24-208	43		43		43		-	
GS-03, \$16,047.21-641	11		11		11		-	
GS-02, \$14,256.18-603	8		8		8		-	
GS-01, \$12,256.18-603	21		21		21		-	
Locality Pay		\$ 4,883						
1987 Pay Rate				\$ 8,321		\$ 2,737		(5,544)
1988 Pay Rate								
Total Appropriated Positions	5,971	995,143	5,950	272,740	4,604	242,598	(558)	(30,182)
Positions filled at stated rates	(414)	(22,037)	(215)	(10,598)	(275)	(14,174)	(60)	(3,878)
Leaves	(1,840)	(1,840)	(2,060)	(2,060)	(1,953)	(1,953)	-	127
Service to lower pay scales for part of year	5,157	271,466	4,835	260,062	4,319	226,431	(516)	(13,831)
Net, full-time permanent	0	0	0	0	0	0	0	0
Other than permanent	0	0	0	0	0	0	0	0
Part-time permanent	0	0	0	0	0	0	0	0
Temporary employment	0	0	0	0	0	0	0	0
Other personnel compensation	0	0	0	0	0	0	0	0
Overline	67	3,042	54	2,807	44	2,324	(10)	(483)
Law Enforcement Availability Pay	717	32,557	563	26,480	495	26,148	(68)	(3,342)
Other compensation	143	6,493	111	5,760	97	5,124	(14)	(645)
Special personal services payments	0	0	0	0	0	0	0	0
Total, Workyears & personnel compensation	8,181	318,040	5,840	300,435	4,939	262,231	(711)	(58,194)
Average ES Salary		\$110,843		\$110,841		\$110,853		
Average GS Salary		\$ 82,422		\$ 82,736		\$ 84,780		
Average GS Grade		11.07		11.07		11.06		

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	TFR Actual		TFR Request		TFR Request		Funding Available	
	WT	Amount	WT	Amount	WT	Amount	WT	Amount
11 1 Full-time permanent	5,187	\$ 871,466	4,835	\$ 840,063	4,116	\$ 828,431	(818)	\$(35,631)
11 3 Other than full-time permanent	77	1,887	77	2,287	74	2,304	(3)	(92)
11 8 Other personnel compensation	927	42,092	778	38,068	836	33,896	(82)	(4,470)
11 8 Special personal services payments	-	-	-	-	-	-	-	-
Subtotal	6,191	\$18,040	5,690	\$30,428	4,926	\$82,231	(711)	\$(3,184)
Reimbursable full years	(1,017)	(1,033)	(1,033)	-	-	-	-	-
Full-time permanent								
12 Personal benefits	84,351	97,740	139	-	73,284	-	(24,456)	(24)
13 Benefits to Former Personnel	204	-	-	-	116	-	(88)	(88)
21 Travel and Transportation of Persons	47,596	27,488	27,488	-	28,362	-	874	280
22 Transportation of Things	1,346	1,204	1,204	-	1,484	-	280	(8)
23 Travel and Transportation of Things	2,565	1,484	1,484	-	1,484	-	(8)	(8)
23 1 Other than full-time permanent	28,026	14,085	14,085	-	14,085	-	(13,360)	(13,360)
23 3 Comm. Lim. & Other Misc. Charges	40,736	46,011	46,011	-	40,918	-	(5,093)	(5,093)
24 Printing and Reproduction	1,218	1,225	1,225	-	1,225	-	7	7
25 1 Advisory and Assistance Services	8,806	10,232	10,232	-	10,416	-	184	184
25 2 Other than full-time permanent	3,154	3,154	3,154	-	3,154	-	-	-
25 3 Other than full-time permanent	38,728	58,890	58,890	-	37,864	-	(21,786)	(21,786)
25 4 Purchase of Goods & Services from Govt	13,888	13,840	13,840	-	11,487	-	(2,353)	(2,353)
25 5 Research & Development	-	-	-	-	-	-	-	-
25 6 Medical Care	2,884	1,287	1,287	-	1,287	-	(8)	(8)
25 7 Other than full-time permanent	22,220	22,220	22,220	-	22,220	-	(131)	(131)
26 Supplies & Materials	32,599	28,076	28,076	-	83,214	-	26,538	26,538
31 Equipment	8,368	174	174	-	174	-	-	-
32 Land and Structures	1,174	-	-	-	-	-	-	-
33 Investments and Loans	1,174	-	-	-	-	-	-	-
41 Grants, subsidies and contributions	337	324	324	-	324	-	(13)	(13)
42 Other	761,310	748,866	748,866	-	882,025	-	(154)	(154)
Total obligations								
Unobligated balance, start of year	7,000	-	-	-	-	-	-	-
Unobligated balance, end of year	768,310	748,866	748,866	-	882,025	-	(154)	(154)
Total requirements								
Revisions of Obligations to Outlays								
Total obligations	761,310	748,866	748,866	-	882,025	-	(154)	(154)
Obligated balance, start of year	85,000	199,000	199,000	-	238,000	-	(39,000)	(39,000)
Obligated balance, end of year	(199,000)	(238,000)	(238,000)	-	(199,000)	-	39,000	39,000
Adjustments in unpaid amounts	12,500	-	-	-	-	-	-	-
Outlays	844,310	710,866	710,866	-	882,025	-	(154)	(154)

**Drug Enforcement Administration
Violent Crime Reduction Program
Estimates for Fiscal Year 1998**

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**Drug Enforcement Administration
Violent Crime Reduction Program**

Summary Statement

DEA is requesting 2,087 positions, 2,041 FTE and \$400,037 million from the Violent Crime Reduction Trust Fund. This represents an increase of 14 positions, 7 FTE and \$22,695 million over an adjusted FY 1998 base. This increase will provide funds to implement DEA's Methamphetamine Strategy, field DEA's new FIREBIRD and MERLIN systems, and enhance a much needed aircraft replacement base. In addition to the State and Local Task Forces and the Mobile Enforcement Team (MET) Program, in FY 1998 DEA will fund the Foreign Cooperative Investigations and Laboratory Services programs through the Violent Crime Reduction Program in FY 1998.

Methamphetamine Initiative

This request consists of 12 Chemist and 2 Diversion Investigator positions to support hazardous waste removal and laboratory support services. Cleaning up a seized clandestine drug laboratory site is a complex, dangerous, expensive and time-consuming undertaking. The amount of waste material and chemicals taken from a clandestine laboratory may vary from a few pounds to several tons, depending on the size of the laboratory and its manufacturing capabilities.

Due to the increase in the amount of hazardous waste DEA has encountered and with the expectation that this situation will only escalate, the funding needed to remove this waste will more than triple (a 350 percent increase). However, although Assets Forfeiture Fund (AFF) funding can be used to cover DEA's surging hazardous waste removal costs in terms of dollars, it cannot provide the positions that DEA needs to effectively manage/monitor the program at these greatly expanded levels. Therefore, DEA is requesting \$195,000 and 2 Diversion Investigator positions to ensure effective program and contract management.

Given the unique challenges associated with supporting methamphetamine investigations, DEA is also requesting \$2,075 million and 12 additional chemist positions. These positions will be used to accommodate heightened laboratory workload requirements and ensure greater chemist availability for on-site dismantling and processing of seized clandestine laboratories. These positions will support DEA clandestine laboratory investigations in California, along the Southwest Border, and the Midwest, where the illegal production of methamphetamine is most prevalent.

Investigative Shortfalls Initiative

DEA is requesting \$20.425 million to implement the FIREBIRD and MERLIN systems and enhance its aircraft replacement base.

FIREBIRD - Volumes of enforcement and intelligence information are contained in DEA's investigative reports and other documents that cannot be effectively accessed or processed manually. DEA's FIREBIRD system will bring together information from a variety of sources and give Special Agents and Intelligence Analysts the ability to quickly access and analyze this information, saving thousands of research hours which can be directed to further research, and produce products that will enhance the management decision process.

DEA requests \$15,000,000 to implement Phase II of FIREBIRD. With this funding, DEA will outfit the newly-established Caribbean Division and then complete each field division down to the post of duty level. As each division is completed, the laboratories located within the geographical area of a division will be included in this installation process. In subsequent years, DEA will equip the El Paso Intelligence Center (EPIC), the Airwing, the Office of Training, and finally, DEA's overseas offices.

MERLIN - The MERLIN system, operating at the SECRET HIGH security level, provides tools which reduce the time it takes to locate and analyze information, access and analyze collections of information to reveal patterns and trends, improve analysis of information to enable decision making analysis not possible by manual or basic computer means, and, enhance the methods of producing and distributing reports.

DEA is requesting \$4,425,000 to continue development and deployment of MERLIN to other DEA offices. Of this request, \$1.6 million is needed for operating and engineering support. The remaining \$2,825 million is necessary to begin installation of MERLIN in the remaining 16 domestic offices and those district offices where FIREBIRD is installed. These funds will be used to procure hardware, software, and installation services for the new sites and make necessary physical alterations to satisfy MERLIN's security requirements. Additional workstations will be purchased (as funding permits) to provide the remaining Intelligence Analysts at the initial sites with MERLIN workstations.

Aircraft Replacement Base - It is critical that DEA replace aging aircraft in order to ensure a safe and efficient fleet capable of meeting changing mission demands. In 1997, Congress approved a \$1 million replacement base for aircraft. This request seeks to bring the replacement base to a total of \$2 million. A total of \$2 million would allow DEA to replace one single-engine helicopter or eight single-engine fixed wing aircraft. Aircraft play a vital role in DEA's investigation efforts along the Southwest Border and in Marijuana Eradication.

DRUG ENFORCEMENT ADMINISTRATION
Violent Crime Reduction Program
Justification of Proposed Changes in Appropriation Language

The 1988 budget estimates includes proposed changes in the appropriation language listed and explained below. New language is underscored.

Violent Crime Reduction Program

For activities authorized by section 180104 of the Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. 103-322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), and for the purchase of passenger motor vehicles for police-type use, as otherwise authorized in this title, \$220,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

not to exceed 1,802 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year, \$400,037,000,

Department of Justice Appropriations and Related Agencies Act, 1997; 104-208 (approved September 30, 1986; 110 STAT 3008.)

Explanation of Changes

1. The first change reflects a further definition of the authorization to purchase motor vehicles.

DRUG ENFORCEMENT ADMINISTRATION
Violent Crime Reduction Program
Crosswalk of 1997 Changes
(Dollars in thousands)

Activity/Program: 1. Enforcement of Federal Laws and Investigations: Violent Crime Program..... TOTAL.....	1997 President's Budget Request			Congressional Appropriation Action on 1997 Request			1997 Appropriation as Enacted		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
	941	880	\$138,000	244	123	82,000	1,185	1,013	\$220,000
	941	890	\$138,000	244	123	82,000	1,185	1,013	\$220,000

Congressional Action: Congress redirected 224 positions, 123 workyears and \$82,000,000 to the Violent Crime Reduction Program.

DRUG ENFORCEMENT ADMINISTRATION
Violent Crime Reduction Program
Summary of Requirements
(Dollars in thousands)

	Perm Pos	FTE	Amount
Adjustments to Base:			
1997 Appropriation as Enacted	1,185	1,013	\$220,000
Transfer to and from other accounts			
Foreign Cooperative Investigative Programs Decision Unit from Salaries and Expenses	564	532	119,803
Laboratory Services Decision Unit from Salaries and Expenses	324	321	35,826
Base Resources from Salaries and Expenses	-	-	12,800
Base Resources to Salaries and Expenses	-	-	(29,232)
Increases (Automatic, non-policy)	-	169	19,045
1998 Base	2,073	2,034	\$377,342
Program Changes:			
Program Changes	14	7	22,695
1998 Estimate	2,087	2,041	\$400,037

	1997 Appropriation Anticipated	1998 Base	1998 Estimate	Increase/Decrease
	Perm Pos	Perm Pos	Perm Pos	Perm Pos
	FTE	FTE	FTE	FTE
	Amount	Amount	Amount	Amount
Estimated by Budget Activity				

1. Violent Crime Program..... 1,185 1,013 \$220,000 2,073 2,034 \$377,342 2,087 2,041 \$ 400,037 14 7 \$ 22,695

DRUG ENFORCEMENT ADMINISTRATION
Violent Crime Reduction Program
Summary of Resources by Program
(Dollars in thousands)

	1986 As Enacted			1986 Actual			1987 Appropriation			1988 Base			1988 Estimate			Increase/Decrease		
	Pct.	WT	Amount	Pct.	WT	Amount	Pct.	WT	Amount	Pct.	WT	Amount	Pct.	WT	Amount	Pct.	WT	Amount
Estimated by Budget Office:																		
1 Enforcement of Federal Laws and Investigations																		
Violent Crime Program	203	198	\$ 58,841	203	190	\$ 62,608	1,186	1,013	\$ 220,000	2,073	2,024	\$ 371,542	3,067	2,041	\$ 603,037	14	7	\$ 22,895
Total	203	198	\$ 58,841	203	190	\$ 62,608	1,186	1,013	\$ 220,000	2,073	2,024	\$ 371,542	3,067	2,041	\$ 603,037	14	7	\$ 22,895
Reimbursable Workyears																		
Total Workyears																		
Other Workyears																		
Holiday																		
Overtime																		
Availability																		
Other																		
Total Composable Workyears																		

Notes:
The 1986 Actual column reflects an unobligated balance of \$7,208,310 carried over the Fiscal Year 1987.

**Drug Enforcement Administration
Violent Crime Reduction Program
Program Performance Information
Government Performance and Results Act Requirements**

Mission: The Drug Enforcement Administration serves as our nation's lead agency in combating illicit drugs and related activities.

Organizational Goal:

1. Combat drug-related violent crime in cooperative investigations with state and local authorities and task forces.

Major Objectives:

1. Support State and Local law enforcement agencies in Federal drug law enforcement efforts.
2. Reduce the level of organized drug-related gang violence.
3. Achieve enhanced cooperative working relationship with State and local law enforcement.
4. Apply Federal law enforcement expertise and enforcement power to reduce violent drug related crime in specific areas at the invitation of State and local authorities.

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**Drug Enforcement Administration
Violent Crime Reduction Program
Program Performance Information
(Dollars in Thousands)**

ACTIVITY: ENFORCEMENT

Violent Crime Reduction Program	
1987 Appropriation	
1988 Base	
1988 Estimate	
Increase/Decrease	

Perm. Pos.	FTE	Amount
1,185	1,013	\$220,000
2,073	2,034	377,342
2,087	2,041	400,037
14	7	\$ 22,895

To meet funding constraints \$156 million in programs were transferred from Salaries and Expenses Appropriation to the VCRP.

LONG RANGE GOAL: Ensure a maximum contribution to State and local law enforcement and foster intergovernmental improved cooperation to reduce drug availability and immobilize major drug trafficking organizations at all levels.

BASE PROGRAM DESCRIPTION:

State and Local Task Forces

The State and Local Task Forces Program effectively enlists the resources and support of State and local law enforcement agencies in Federal drug enforcement efforts. The task force program assists in fulfilling DEA's responsibility to provide a diverse, creative, and all-encompassing Federal response to the multi-faceted and complex drug problem. Through their coordination, DEA Special Agents and State and local law enforcement personnel enhance the quality of drug investigations and prosecutions. The program expands the work force under DEA's supervision; provides State and local officers with special equipment and conveyances when needed for DEA undercover operations; contributes substantial intelligence to DEA's data bases; and achieves enhanced cooperation with local banks, thus improving DEA's ability to obtain emergency flash rolls and temporary storage of funds.

Mobile Enforcement Teams (MET)

The MET program was established on the premise that DEA is a resource that can assist local law enforcement with additional personnel and resources to penetrate and dismantle violent gangs and local trafficking organizations. The program was developed through discussions with law enforcement executives and organizations representing chiefs of police and sheriffs across the country.

The program places DEA in a supportive role in investigations that are targeted by State and local agencies based on their own local priorities. The mission of the METs is to dismantle drug organizations by securing the conviction and incarceration of those individuals dealing drugs and causing violence in these communities.

DEA's Mobile Enforcement Teams are specifically designed to deal with the most violent and dangerous elements of drug trafficking--organized violent drug trafficking organizations. Recently, three cities can attest to the effectiveness of these teams.

- o The Houston MET pursued investigations of gang-related violence, including 26 juvenile murders in Galveston, Texas. The deployment resulted in the arrest of 104 defendants, 37 for violent offenses. Local law enforcement executives characterized the MET deployment as the most significant factor in reducing violence in Galveston County.
- o The Atlanta MET was requested to combat escalating gang violence in the Bowdoin, Georgia public housing projects. The deployment resulted in the arrest of 61 defendants, including a police officer who had been protecting the drug trafficking organization in that area.
- o The Chief of Police of Salina, Alabama requested a deployment from the New Orleans MET to deal with a significant increase in crack trafficking and drug-related homicides, coupled with a 44 percent increase in drug-related robberies. The deployment resulted in 17 arrests and what city officials characterized as the return of normalcy to Selma.

Laboratory Services

This program provides laboratory support services for the Enforcement, Intelligence, and Diversion Control activities of DEA. Enforcement activities are supported through the timely analysis of drug evidence and the presentation of forensic expert testimony in court; by providing field assistance to Special Agents on clandestine laboratory investigations; by conducting crime scene searches for trace drug evidence; and by performing toolmark and signature analyses on evidence linked to suspected conspiracy cases.

Intelligence activities are supported through laboratory analysis that shows the origin of controlled substances and highlights foreign drug distribution patterns. Intelligence investigations are also aided through the signature analyses of the Domestic Monitor Program, which help monitor domestic drug distribution patterns and price/purity data at the retail level.

Diversions control activities are supported through the examination of tablets, capsules, and papers, which provide information on illegal drug distribution.

This program also provides forensic drug laboratory support to the Interagency Crime and Drug Enforcement Program and to the Federal Bureau of Investigation, which has concurrent jurisdiction for the enforcement of Federal drug laws. The program also provides support to other Federal, State and local law enforcement agencies that do not have their own forensic drug examination capability, or require the special expertise of DEA forensic scientists.

Foreign Cooperative Investigations

DEA's overseas efforts are directed toward advising, assisting, and encouraging foreign governments in the development of strategies to reduce the trade and supply of illicit drugs within their countries. DEA also works with foreign governments on the investigation of high-level international trafficking organizations which have a direct impact on the United States crime problem. In pursuing these aims, DEA coordinates drug intelligence collection and drug investigations (including chemical diversion and drug money laundering activities) with foreign law enforcement agencies, and participates in bilateral and multilateral drug suppression programs.

DEA's Foreign Cooperative Investigations Program (FCIP) now includes resources for foreign Special Enforcement Operations/Programs (SEOP), including OPBAT and the Northern Border Response Force (NBRF).

INITIATIVE 1

	Pos.	FTE	Amount (\$000)
14	7	0	2,270

**Methamphetamine Initiative
Hazardous Waste Removal and Laboratory Services**

- An additional \$8.776 million and 80 Positions are requested for this Initiative in the Salaries and Expenses Budget.

Proposed Actions

This Initiative seeks to address the following objectives:

1. To focus a coordinated Federal, and international effort to identify, investigate and dismantle clandestine drug laboratories operating in the United States and abroad.

Hazardous Waste Removal and Laboratory Services

Methamphetamine Laboratories - An Environmental Nightmare

The illicit manufacture of methamphetamine can occur anywhere; in hotel rooms or apartment complexes, industrial areas or farms, a neighbor's house - any place an operator can set up laboratory equipment to synthesize their product. If an operator is manufacturing only limited amounts of methamphetamine, he/she would only need about 2 hours from set up to clean up; complicating enforcement efforts to locate and dismantle many clandestine laboratory operations.

Methamphetamine laboratory operators are often well-armed, and their laboratories occasionally are booby-trapped and equipped with scanning devices employed as security precautions. Weaponry, ranging from single firearms to arsenals of high-powered weapons and explosives, are commonly found at laboratory sites. Laboratory operators, or "cooks," frequently display little regard for public safety or the environment. The caustic, flammable and explosive chemicals required by "cooks" to produce methamphetamine in their "kitchens of death" are unsafely stored and disposed of, leading to the endangerment of innocents.

DEA requests \$2.27 million and 14 positions (2 Diversion Investigators and 12 Chemists positions) to address critical health, safety and hazardous materials removal issues relating to methamphetamine.

Included in this request is \$0.195 million for 2 Diversion Investigator positions for hazardous waste removal.

As discussed above, clandestine laboratories are dangerous areas. Flammable, caustic, and potentially explosive chemicals such as benzene, ethanol, hydrochloric acid and red phosphorous are typically stored in these "facilities" to serve as synthesizing agents for methamphetamine production. Once consumed by the synthesis process, the hazardous chemical by-products are disposed of by unsafe and illegal methods, causing potential harm to the environment and endangering the lives of innocents. Uncaring operators may dump their chemical "sludge" on the ground or in nearby streams and lakes; they may pour them into local sewage systems or septic tanks. On the other hand, some may simply bury them, allowing the hazardous, and in some cases carcinogenic waste to be absorbed by the soil or into natural water systems.

Cleaning up a seized clandestine drug laboratory site is a complex, dangerous, expensive and time-consuming undertaking. The amount of waste material and chemicals taken from a clandestine laboratory may vary from a few pounds to several tons, depending on the size of the laboratory and its manufacturing capabilities.

Whenever DEA or its State and local partners seize a clandestine laboratory, Environmental Protection Agency (EPA) regulations require law enforcement to perform the duties of a "generator" of hazardous waste and thus bear responsibility for removal of that waste. After DEA or its State and local partners are through processing a clandestine laboratory for criminal prosecution, DEA fulfills its obligations as "generator" by paying a certified contractor to remove all hazardous waste and tainted materials from the site. These materials are safely transported from a clandestine laboratory site to a permitted hazardous waste facility and either stored or destroyed. DEA's responsibility for the cleanup of the site typically ends with the removal of gross contamination (containers, and contaminated equipment), the posting of the site as a potentially contaminated area, and notification of the property owner, appropriate environmental agency and health department.

Currently, DEA is the sole Federal law enforcement agency funding clandestine laboratory cleanup projects. Under the existing contracting arrangement, DEA uses eight contractors operating in 27 regions to perform this essential function - the current contract arrangement involves roughly 100 certified hazardous waste storage facilities. In FY 1988, DEA will move to a contract expected to consist of 35 contract areas and 12 to 15 contractors and as many as 150 certified facilities; as a necessary step to improve response time and lower cleanup costs.

There is a direct relationship between the level of clandestine laboratory activity (which is heading steadily upward) and the number of cleanups that DEA must perform. For example, at the beginning of FY 1988, DEA was provided \$2 million by the Assets Forfeiture Fund (AFF) to pay for clandestine laboratory cleanups *(over the past three years, DEA costs had hovered around \$2 million annually)*. However, given the significant increases in clandestine laboratory seizures, DEA spent over \$4 million in FY 1988 - a 100 percent increase over previous years. Given the trend towards an ever increasing number of clandestine laboratory seizures and cleanups, DEA will require even more funding in future fiscal years.

To account for this increased activity, DEA is planning to request at least \$7 million for hazardous waste removal in its FY 1988 AFF budget submission - this will more than triple the amount of dollars that DEA received for this program at the on-set of FY 1980 *(a 350 percent increase)*. However, although AFF funds can be used to cover DEA's surging hazardous waste removal costs in terms of dollars, it cannot provide the positions that DEA needs to effectively manage/ monitor the program at these greatly expanded levels. Therefore, DEA is requesting 2 Diversion Investigator positions to ensure effective program and contract management.

DEA requires these positions to conduct cyclic contractor compliance investigations of the DEA contracted hazardous waste facilities to ensure that diversion of chemical waste does not occur, and to confirm the safe storage, processing and disposal of DEA related waste from clandestine laboratories - *performance of these investigations reduces DEA's potential liability and is a contractual requirement*. Since the 1988 contract will involve a 350 percent increase in program funding and a 50 percent increase in the number of certified hazardous waste storage facilities (requiring even more cyclic investigations), it is essential that DEA receive these positions.

Included in this request is \$2.075 million and 12 Chemist positions to support increased clandestine laboratory seizures.

Whenever DEA seizes a clandestine laboratory, its Special Agents and Task Force Officers are confronted with a host of operational decisions and potentially life-threatening dangers. Typically, unmarked, potentially flammable, explosive and health, and/or life threatening substances must be identified and decisions made on what chemical or drug substances should be seized to support criminal prosecution. Although proper safety training of enforcement personnel is essential, DEA still requires experienced on-site chemists to oversee the safe dismantling of clandestine laboratories and ensure compliance with OSHA and EPA regulations to reduce risk to life, property, and the environment.

A chemist is an integral participant in the assessment and processing stages of clandestine laboratory seizure operations. He/she serves as the technical advisor on laboratory dismantling, ensuring that essential/precursor chemicals are seized as evidence, and that all enforcement personnel are aware of potential health and safety hazards. As a result, having a chemist on-site not only reduces safety risks, but ensures that only necessary chemicals and drug substances are seized as evidence (thereby conserving DEA's laboratory resources). Unfortunately, given the already significant growth in DEA clandestine

laboratory seizures, the laboratory system has been able to respond to an average of only 55 percent of clandestine laboratory raid requests. Unless additional resources are provided, this response rate will decline as DEA seizes more laboratories, placing the lives of law enforcement personnel and innocents at a higher level of risk.

Increased clandestine laboratory seizures will also have a greater than normal impact on DEA's forensic drug analysis operations. To illustrate, consider that a typical drug seizure or purchase case, cocaine for example, will generate roughly 2 exhibits. A clandestine laboratory case, however, generates an average of 16 exhibits. This additional workload is unique to clandestine laboratory cases because, in order to properly support prosecution efforts, DEA must analyze not only the finished product (methamphetamine), but also the seized laboratory equipment and/or precursor/essential chemicals. This analysis is vital to proving in court that the laboratory operator manufactured or attempted to manufacture an illegal substance (methamphetamine).

Given the unique challenges associated with supporting methamphetamine investigations, DEA is requesting 12 additional chemist positions. These positions will be used to accommodate heightened laboratory workload requirements and ensure greater chemist availability for on-site dismantling and processing of seized clandestine laboratories. These positions will support DEA clandestine laboratory investigations in California, along the Southwest Border, and the Midwest, where the illegal production of methamphetamine is most prevalent. For example, in the first 11 months of 1986 the St. Louis Division seized 242 clandestine laboratories; one every 33 hours. The three divisions in California seized a total of 142 laboratories during the same period; 1 every 2.3 days.

These 12 chemist positions would be stationed at the nearest DEA laboratory(s) serving the affected areas and be dedicated solely to supporting DEA's clandestine laboratory seizure operations. During periods of increased clandestine laboratory activity these chemists would be placed in a TDY status to ensure more rapid response times. Additionally, these chemist positions would be transferred/shifted between DEA laboratories when geographic areas of increased clandestine laboratory activity change.

If this initiative is not funded, DEA laboratory productivity will be adversely affected. For example, the North Central Laboratory's backlog has already increased significantly, from 390 exhibits in September 1985 to 874 in April of 1986. This increase is primarily due to the explosive growth in methamphetamine clandestine laboratory activity in the Mid-West. Furthermore, without experienced chemists on-site to provide essential technical and safety advice, DEA faces an increased risk to its Special Agents and Task Force personnel and potentially to innocent bystanders.

Investigative Shortfalls:

- An additional \$13.01 million and 19 positions was requested for this initiative in the Salaries and Expenses budget.

This initiative seeks to address the following objectives:

1. To restore the base program funding to a minimum acceptable level to ensure adequate funding is available to programs which support DEA enforcement operations.

2. Continue with the upgrade of DEA's automated data processing systems to permit communication with other agencies and keep pace with increasing workload.
3. Complete the task to give DEA the ability to take current business processes and, through automation, reengineer these processes to allow the user to work more efficiently.
4. Complete the development and implementation of infrastructure that will provide DEA with a system that will permit that accessing, processing, and storage of both DEA Sensitive and Classified data.

FIREBIRD

DEA requests \$15.0 million for Phase II of the FIREBIRD project which will provide DEA Special Agents with the automated tools needed to effectively communicate with other law enforcement agencies, streamline burdensome report writing, and provide access to multi-agency law enforcement data bases. FIREBIRD's case management system significantly improves the efficiency of Special Agent investigations and will allow for the replacement of archaic manual reporting systems. FIREBIRD will save thousands of hours of data search time, costly mailing of case information, and eliminate duplicate written files.

This funding, in tandem with DEA's base FIREBIRD equipment resources, will purchase additional hardware and software, communications lines, and training, installation, maintenance, and other contract services.

DEA's mission is dependent on gathering and manipulating information critical to the pursuit of drug investigations. The requirement to analyze and share this information throughout DEA and with other law enforcement agencies has created a critical need for enhanced information systems. However, DEA's current outdated system does not provide the communications and processing capabilities needed to keep pace with the agency's increasing workload.

Volumes of enforcement and intelligence information are contained in DEA's investigative reports and other documents that cannot be effectively accessed or processed manually. FIREBIRD will bring together information from a variety of sources and give Special Agents and Intelligence Analysts the ability to quickly access and analyze this information, saving thousands of research hours which can be directed to further research, and produce products that will enhance the management decision process.

The estimated total cost of the FIREBIRD project is \$121 million. To date, the project has been funded primarily through DOJ's Working Capital Fund (WCF). DEA received \$27.4 million from the WCF in 1994 and \$12 million in 1995 for Phase I of the implementation. In addition, in 1996, DEA internally reallocated \$5,400,000 from its base to begin Phase II of FIREBIRD implementation.

When completed, Phase I of FIREBIRD will accomplish: 1) upgrade of the communications to the DEA Division offices; 2) automation of the DEA-6 and other investigative forms; 3) nationwide accessing of information in DEA's file room; (4) E-Mail between Headquarters and Division offices, (5) implementation of FIREBIRD in Headquarters and 19 division offices.

Phase II will bring FIREBIRD to the district and resident office level, posts of duty, overseas offices, El Paso Intelligence Center (EPIC), the Airwing, and the Office of Training. The requested amount of \$15.0 million plus the reallocated \$5.4million will provide DEA with \$20.4million towards implementing Phase II of FIREBIRD. With this funding, DEA will outfit the newly-established Caribbean Division and then complete each field division down to the post of duty level. As each division is

completed, the laboratories located within the geographical area of a division will be included in this installation process. In subsequent years, DEA will equip EPIC, the Airwing, the Office of Training, and finally, DEA's overseas offices. In addition, Phase II would provide additional funding for training, tailored to DEA's operations as well as enable DEA to develop applications specifically designed for the agency.

FIREBIRD will provide new services to DEA users through an agency-wide infrastructure; specifically, Special Agents will create, review, release, and update an electronic DEA-6. Special Agents and Intelligence Analysts across the country, and eventually around the world, will have the ability to search for and retrieve case information (including reports, photographs, and related materials) from the new electronic file room where DEA-6s and other investigative reports will be stored. With FIREBIRD, DEA personnel will be more productive, have better investigative information, and will be able to spend more time in the field.

FIREBIRD also gives DEA the ability to take current business processes and, through automation, reengineer these processes to allow the user to work more efficiently. The system provides the infrastructure for the development of customized data bases to eliminate isolated and redundant pools of information--created by individuals who have instituted their own data bases using a variety of software packages. These customized data bases would enable DEA users to query several information sources at once. This would save valuable time in responding to time-sensitive requests. Currently, this function does not exist in a standardized configuration throughout DEA.

Project MERLIN

DEA requests \$4.425 million for Project MERLIN which will provide critical intelligence information in support of investigations in a manner that is faster, more current, and more complete than is currently possible. MERLIN directly supports Intelligence Analysts in developing intelligence products--these products in turn enhance the analysts' ability to provide vital information to enforcement operations. The Intelligence Analysts will be able to devote more time to analytical tasks while the software applications perform the routine tasks of data retrieval, cataloging, and initial processing.

MERLIN, operating at the SECRET HIGH security level, provides tools which: reduce the time it takes to locate and analyze information; access and analyze collections of information to reveal patterns and trends; improve analysis of information to enable decision making; enable analysis not possible by manual or basic computer means; and, enhance the methods of producing and distributing reports.

The estimated total cost of Project MERLIN is \$28.5 million and DEA will use this system to support both domestic and foreign intelligence efforts. Currently, MERLIN provides DEA Headquarters and a few DEA field offices (Miami, Houston, and Los

Angeles) with advanced Intelligence Analyst workstations; these workstations provide the capability to transmit and share classified data over DEA's existing telecommunication network.

DEA is requesting \$4.425 million to continue development and deployment of MERLIN to other DEA offices. Of this request, \$1.6 million is needed for operating and engineering support. This support includes system administration, network administration, configuration management services, a DEA help desk, technical support of base line software configuration, hardware and software replenishment, and support to certification and accreditation activities. This is a recurring expense and should become part of the DEA budget base.

The remaining \$2.825 million is necessary to begin installation of MERLIN in the remaining 16 domestic offices and those district offices where FIREBIRD is installed. These funds will be used to procure hardware, software, and installation services for the new sites and make necessary physical alterations to satisfy MERLIN's security requirements. Additional workstations will be purchased (as funding permits) to provide the remaining Intelligence Analysts at the initial sites with MERLIN workstations.

If these requirements are not funded, FIREBIRD and MERLIN installation will slow to a crawl. Given the primary mission of these projects (i.e., to serve as a platform for future cooperative law enforcement), DEA's ability to readily share information and function interactively with the law enforcement community could be seriously affected. Furthermore, DEA will be forced to maintain costly duplicative computer systems and technical support contracts, costing millions of dollars unnecessarily.

Aircraft Replacement Base. DEA requests \$1.0 million to increase DEA's aircraft base for replacing aging aircraft.

By 1998, the average age of single-engine aircraft in DEA's fleet will be over 19 years old. The older the aircraft is, the more costly it is to operate and the less dependable and productive the aircraft will be. In 1997, Congress approved a \$1 million replacement base for aircraft. This request seeks to bring the replacement base to a total of \$2 million. It is critical that DEA replace aging aircraft in order to ensure a safe and efficient fleet capable of meeting changing mission demands.

DEA currently has 35 single-engine fixed wing aircraft in its fleet. All of these aircraft are over 10 years old and a total of 12 of them are over 20 years old. Historically, single-engine fixed wing aircraft over 10 years old cost DEA more and fly less

than the same type aircraft that are less than 10 years old. For example, in 1995, single-engine fixed wing aircraft greater than 10 years old cost DEA an average of \$248 more per hour to operate and flew 138 less hours than aircraft less than 10 years old.

DEA also has a total of 24 single-engine helicopters in the fleet. A total of 21 are over 10 years old and 15 are over 20 years old. Single-engine helicopters over 10 years old cost DEA an average of \$366 more per hour to operate and fly an average of 90 hours less per year.

Another factor that cannot be overlooked in the fact that one-third of DEA's aircraft are seized from drug traffickers. When DEA seizes an aircraft, maintenance records are only available 50 percent of the time. Even when records are available they are not always reliable. Due to the nature of their business, drug traffickers are often willing to take chances with their aircraft that DEA would not take. This can cause the aircraft to be subjected to conditions and stresses that could further limit the life of the aircraft.

A total of \$2 million would allow DEA to replace one single-engine helicopter or eight single-engine fixed wing aircraft. With the \$1 million DEA received in 1997, DEA needs an additional \$1 million to establish an adequate replacement base. By 1998, the average age of single-engine aircraft in DEA's fleet will be over 19 years old. The older the aircraft is, the more costly it is to operate and the less dependable and productive the aircraft will be. In 1997, Congress approved a \$1 million replacement base for aircraft. This request seeks to bring the replacement base to a total of \$2 million. It is critical that DEA replace aging aircraft in order to ensure a safe and efficient fleet capable of meeting changing mission demands.

DRUG ENFORCEMENT ADMINISTRATION							
PERFORMANCE MEASUREMENT TABLE PRESENTED BY ORGANIZATIONAL GOAL							
ORGANIZATIONAL GOAL 1: Reduce the availability of illicit drugs in the United States and dismantle Drug Trafficking Organizations through DEA's Foreign Cooperative Operations							
PERFORMANCE INDICATOR INFORMATION							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Estimate	1997 Estimate	1998 Estimate	
Input	1. Foreign PEPI (\$ thousands) ¹		\$2,087	\$1,765	\$2,222	\$2,250	
	2. Foreign FTE ²	573	559	529	531	553	
	3. Foreign Offices ³	70	66	65	66	66	
	4. Foreign SIA Investigative Workhours	431,942	355,185	355,185	406,185	455,685	
	5. Criminal Cases Opened	640	650	660	743	834	
	6. Foreign Law Enforcement Officers Trained	2,646	1,840	2,800	2,800	2,800	
	7. Arrests	1,721	1,518	1,516	1,736	1,946	
Intermediate Outcome							
End Outcome							
(Also see narrative outcome)							
A. Definition of Terms or Explanation for Indicators							
The statistics reported in the 1998 Congressional Budget submission may not match with those statistics reported above. This is due to differences in statistical definitions and reporting times.							
¹ Represents total PEPI dollars expended by foreign offices. FY 1996, 1997, and 1998 PEPI are estimates based on the 1998 Spring Call. FY 1994 PEPI was not identified by decision unit at this time. FY 1996 PEPI is an estimate based on FY 1995 actual usage per object class breakout study.							
² Reduction in FY 1996 of 30 FTE as a result of conference mark.							
³ Includes the establishment of new offices in Moscow, Pretoria, South Africa, & Managua, Nicaragua in FY 1997.							

FOREIGN COOPERATIVE OPERATIONS NARRATIVE OUTCOME

DEA's foreign cooperative operations have had a tremendous impact against drug trafficking in foreign countries throughout the world. Below are recent examples of foreign cooperative operations.

Foreign Cooperative Investigations

Bogota: Operation Selva Verde is a cooperative, bilateral operation between DEA's Bogota Country Office and the Colombian National Police (CNP) Anti-Narcotics Unit. The primary purpose of this operation is to locate and destroy clandestine laboratories, airstrips and storage sites. A secondary purpose is to form a strong narcotics intelligence and operational alliance between DEA and the Government of Colombia. This operation has been extremely successful. The Bogota Country Office assists the CNP in developing and managing sources of information, as well as debriefing and making payments to these individuals. In addition, DEA provides aircraft and the Air Intelligence Group as aerial intelligence platforms to support this program.

During 1996, four major cocaine hydrochloride (HCL) laboratory sites were identified and destroyed--three of the sites were destroyed by the CNP in cooperation with the Bogota Country Office in Operation Selva Verde. The fourth site consisted of an HCL laboratory and a separate stand alone large chemical synthesis complex. This fourth laboratory site was identified and destroyed by the Colombian Army after a site visit by DEA.

Costa Rica: In October, 1996, information was developed by DEA and the Organization of Judicial Investigation on a group of Costa Rican and Colombian traffickers smuggling cocaine from Barranquilla to Costa Rica. An intercept determined that approximately 300 kilograms of cocaine had already arrived in Costa Rica by vessel. After arresting the main suspect and searching his residence, a warehouse was located revealing 389 kilograms of cocaine as well as a semi tractor trailer truck and a tanker with Guatemalan tags. The tanker had a concealed compartment which could only be accessed when the tanker was empty. The tanker had brought a load of soap from Panama and unloaded it at the warehouse. Once the compartment was loaded with cocaine, the soap would surround the compartment to conceal the cocaine.

**FOREIGN COOPERATIVE OPERATIONS
NARRATIVE OUTCOME**

DEA's true measure of the effectiveness of its overseas mission can be demonstrated in the way it conducts the following operations:

- Conducts bilateral investigations;
- Coordinates intelligence gathering overseas;
- Engages in foreign liaison;
- Coordinates training programs for host country police agencies;
- Assists in development of host country drug law enforcement institutions.

ORGANIZATIONAL GOAL 2: Reduce the availability of illicit drugs in the United States and disrupt and dismantle drug trafficking organizations through DEA's drug related investigations conducted in conjunction with its State and Local Task Force program ¹							
PERFORMANCE INDICATOR INFORMATION							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Estimate	1997 Estimate	1998 Estimate	
Input	1. State and local Task Force/year and ²	103	125	133	142	148	
	2. DEA Agents assigned to the SL Task Force/year and	607	615	668	668	668	
	3. SL Officers assigned to SL Task Force/year and	1,209	1,275	1,769	1,869	1,969	
	4. SL FTE ³	668	840	720	724	724	
	5. SL Task Force PEPI (\$thousands) ⁴		\$2,422	\$2,553	\$2,556	\$2,556	
Intermediate	6. SL Task Force Arrests	6,036	6,983	7,226	7,226	7,226	7,226
Output	7. DEA SL Task Force Investigative Workhours	616,137	645,460	697,960	697,960	697,960	697,960
	8. SL Task Force Cases Opened	4,306	5,659	5,659	6,268	6,517	
	9. SL Student Trained	18,713	18,000	12,800	18,000	18,000	
	10. Asset Forfeiture Students Trained ⁵	1,000	1,000	1,174	3,044	3,044	
	11. Convictions	2,567	2,931	3,033	3,033	3,033	
End Outcome (Also see Narrative Outcome)							
A. Definition of Terms or Explanation for Indicators							
The statistics reported in the 1998 Congressional Budget submission may not match with those statistics reported above. This is due to differences in statistical definitions and reporting times.							
¹ Statistics for SL Cooperative and Mobile Enforcement Teams are under Goal #1 ² SL Task Force data are for all official task force, both program funded and provisional ³ FY 1995 FTE reflects two reprogrammings and a conference mark increase of 178 FTE positions. In FY 1997 all FTEs transferred to the Violent Crime Reduction Program ⁴ Represents total PEPI dollars expended by SL Task Force offices. FY 1994 PEPI not available. FY 1996, 1997, and 1998 PEPI are estimates based on the FY 1998 Spring Cell ⁵ FY 1994 and FY 1995 totals are estimates, since no reliable records exist for these years [*] No enhancements for the SL Task Force Program in either FY 1997 or FY 1998							

**STATE AND LOCAL TASK FORCE PROGRAM
NARRATIVE OUTCOME**

Expansion of Jurisdiction: Since State and local agents participating in DEA task forces are deputized to perform the same functions as DEA agents, their jurisdictional boundaries are expanded. Without this deputization, state and local law enforcement officers find that their jurisdiction to investigate drug cases stops abruptly at their state, county, or city borders. This expanded jurisdiction is imperative in investigating narcotics cases because drug dealers know no boundaries.

Shared Intelligence: The information shared by the federal, state, and local investigators is crucial to a successful drug investigation. Local drug agents know their communities--the dealers, their methods, their hangouts. Combining this local knowledge with DEA's broader expertise in drug investigations produces positive results: often an area's drug agents--federal, state, and local--each hold a piece of the intelligence puzzle, and sharing these puzzle pieces can more quickly produce a complete picture.

- In one example of cooperative law enforcement, from 1991 to 1992, DEA worked with the Savannah, Georgia, Police Department; Chatham County Metro Drug Squad; the Bureau of Alcohol, Tobacco, and Firearms (ATF); the Internal Revenue Service (IRS); and the U.S. Marshals Service to arrest members of the Ricky Jivens organization, a violent drug trafficking gang. The investigation revealed that high-level members of the organization were required to commit murder as an initiation rite to secure their positions in the gang. Video surveillance recorded Jivens telling an informant to murder "any" person, regardless of their connection to the gang. The task force collected evidence to aid in prosecuting at least seven homicides, as well as thwarting widespread drug-related violence by causing the indictment of eighteen gang members. Several gang members were indicted and the organization leader, Jivens, was sentenced to life imprisonment and a \$1 million fine.

Experience Gained/Training: Bringing together all levels of law enforcement enhances training and provides invaluable experience to law enforcement. Most law enforcement agencies have few dollars to spend on training, and therefore most training is received on the job. Researching a criminal history, tracking down leads, analyzing pen registers, preparing a case with an Assistant United States Attorney, identifying drugs, prices and trends--these are all skills learned more quickly when an experienced officer works closely with a new officer. Task forces bring together groups of officers with a variety of expertise, such as knowledge of Organized Crime or established Confidential Informants, making cost-effective use of their knowledge.

Coordination: Relationships formed by DEA State and Local Task Forces facilitate coordination. During an undercover drug buy, it is not unusual for a local Task Force Officer to communicate with a marked police car, telling the car to leave the area. Surveillance assistance is another benefit of a close association of federal, state, and local officers. Many times a subject of surveillance is observed with an unidentified person. Rather than reveal the surveillance, a local Task Force Officer can quickly call in a traffic officer, who then makes a routine stop of a vehicle and subtly identifies the person.

Coordination also prevents duplication of effort, thus saving countless dollars. When drug agents get together to coordinate activities, they frequently find that several different agencies have been investigating the same dealers and can then make more efficient use of their time and resources.

Asset Forfeiture: Participating in joint operations allows State and local law enforcement to share equitably in assets seized from drug dealers. During FY 1992, State and local law enforcement received approximately \$230 million in forfeited cash and \$12.5 million in tangible property from Federal forfeitures. With law enforcement resources scarce, these equitably shared funds go far in fighting crime at all levels.

Sometimes a seizure benefits the entire community. Atlanta's State and Local Task Force seized 35 acres of property in the heart of the city, appraised for \$538,500, and seized an additional \$73,579 in cash. The United States Attorney and DEA's Special Agent-in-Charge agreed that because of the property's beauty and rarity, they should find an alternative to selling it. Although the task force agreement provided that the proceeds from seizures would be shared equally among the twelve state and local agency task force participants, all twelve agencies waived their rights to the property. After several months of planning and negotiation, title to the property was transferred to the Georgia Sheriff's Youth Homes, a non-profit organization sponsored by the Georgia Sheriff's Association. The Youth Homes will provide drug education to children, sponsored by each of the 12 Task Force agencies through a summer camp program. Nature trails and a nature science center will also provide education to children from schools within the 12 jurisdictions.

DRUG ENFORCEMENT ADMINISTRATION
Violent Crime Reduction Program
Justification of Multi-Activity Program Changes
(Dollars in thousands)

Budget Activity/Program	FIREBIRD			MERLIN			Aircraft Replacement		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Violent Crime Program	-	-	\$15,000	-	-	\$ 4,425	-	-	\$ 1,000
Total	-	-	15,000	-	-	4,425	-	-	1,000

	Hazardous Clean-Up			Laboratory Support			Total		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Violent Crime Program	2	1	\$ 195	12	6	\$ 2,075	14	7	\$22,895
Total	2	1	195	12	6	2,075	14	7	22,895

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DRUG ENFORCEMENT ADMINISTRATION
Violent Crime Reduction Program
Financial Analysis--Program Changes
(Dollars in thousands)

Object Class	PRELIM		MERLIN		Violent Crime Reduction		Hazardous		Laboratory		Total	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
08-12	-	-	-	-	-	-	-	-	-	-	-	-
08-13	-	-	-	-	-	-	-	-	-	-	-	-
08-14	-	-	-	-	-	-	-	-	-	-	-	-
Total Positions and Annual Rate	-	-	-	-	-	-	-	-	-	-	-	-
Level (1)	-	-	-	-	-	-	-	-	-	-	-	-
Level (2)	-	-	-	-	-	-	-	-	-	-	-	-
Level (3)	-	-	-	-	-	-	-	-	-	-	-	-
Total Workyears and Personnel Compensation	-	-	-	-	-	-	-	-	-	-	-	-
Personal Benefits	-	-	-	-	-	-	-	-	-	-	-	-
Benefits for Former Personnel	-	-	-	-	-	-	-	-	-	-	-	-
Travel and Transportation of Things	-	-	-	-	-	-	-	-	-	-	-	-
Transportation of Things	-	-	-	-	-	-	-	-	-	-	-	-
OSA Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Rental Payments to Others	-	-	-	-	-	-	-	-	-	-	-	-
Communications and Utilities	-	-	-	-	-	-	-	-	-	-	-	-
Printing and Reproduction	-	-	-	-	-	-	-	-	-	-	-	-
Advisory & Assistance Service	-	-	-	-	-	-	-	-	-	-	-	-
Other Services	-	-	-	-	-	-	-	-	-	-	-	-
Operating Costs and Services	-	-	-	-	-	-	-	-	-	-	-	-
Operation and Maintenance of Facilities	-	-	-	-	-	-	-	-	-	-	-	-
Research and Development Contracts	-	-	-	-	-	-	-	-	-	-	-	-
Medical Care	-	-	-	-	-	-	-	-	-	-	-	-
Operation and Maintenance of Equipment	-	-	-	-	-	-	-	-	-	-	-	-
Supplies and Support of Personnel	-	-	-	-	-	-	-	-	-	-	-	-
Equipment	-	-	-	-	-	-	-	-	-	-	-	-
Land and Structures	-	-	-	-	-	-	-	-	-	-	-	-
Total Program Workyears & Obligation Changes 1998	-	-	-	-	-	-	-	-	-	-	-	-

Drug Enforcement Administration
Violent Crime Reduction Program
Priority Ranking

Base Program		Program Increases	
Program	Ranking	Initiative	Ranking
State & Local Task Forces	1	Methamphetamine	1
Laboratory Services	2	Investigative Shortfall	2
Foreign Cooperative Investigations	3		

DRUG ENFORCEMENT ADMINISTRATION
Violent Crime Reduction Program
Detail of Permanent Positions by Category
Fiscal Years 1993-1998

CATEGORY	1996	1997	1998			
			Transfers		Program Increase	Authorized
			FCIP DU	Lab DU		
	Authorized	Authorized				
Criminal Investigating Series (1011)	203	973	370	1	2	1,252
Intelligence Series (132-134)	-	13	35	-	-	48
General Administration, Clerical and Office Services (300-399)	-	248	77	1,2	-	427
Accounting and Budget (500-599)	-	44	76	11	-	131
Chemist Series (1320)	-	7	-	210	12	229
Total	203	1,185	564	324	14	2,087
Washington	4	21	60	101	4	186
U. S. Field	199	1,141	-	223	10	1,374
Foreign Field	-	23	504	-	-	527
Total	203	1,185	564	324	14	2,087

DRUG ENFORCEMENT ADMINISTRATION
Violent Crime Reduction Program
Summary of Attorney/Agent and Support Positions by Category

APPROPRIATED POSITIONS

Deckard Unit
 Violent Crime Program

1997 Appropriation Anticipated						1998 Base					
Agents			Attorneys			Support			Total		
Pos.	FTE		Pos.	FTE		Pos.	FTE		Pos.	FTE	
873	7.17					312	2.46		1,183	1,013	
									823	819	2,073
											2,034

1500

Violent Crime Program

1998 Program Changes						1998 Request Level					
Agents			Attorneys			Support			Total		
Pos.	FTE		Pos.	FTE		Pos.	FTE		Pos.	FTE	
						14	7		14	7	
									1,250	1,216	
									837	828	2,041

DRUG ENFORCEMENT ADMINISTRATION
Violent Crime Reduction Program
Summary of Changes
(Dollars in thousands)

	Perm Pos.	FTE	Amount
1997 Appropriation as Enacted.....	1,185	1,013	\$ 220,000
Adjustments to Base:			
Transfer to and from other accounts:			
Foreign Cooperative Investigative Programs Decision Unit from Salaries and Expenses.....	564	532	119,903
Laboratory Services Decision Unit from Salaries and Expenses.....	324	321	35,828
Base Resources from Salaries and Expenses.....	-	-	12,800
Base Resources to Salaries and Expenses.....	-	-	(29,232)
Total, Transfers.....	888	853	139,297
Increases (Automatic, non-policy):			
1998 Pay Raise.....	-	-	1,899
Annualization of 1997 Pay Raise.....	-	-	131
Annualization of 1997 Positions.....	-	168	15,069
General Pricing Level Adjustment.....	-	-	948
Total, Increases.....	-	168	18,045
1998 Base.....	2,073	2,034	377,342
Program Changes.....	14	7	22,695
1998 Estimate.....	2,087	2,041	400,037

DRUG ENFORCEMENT ADMINISTRATION

Violent Crime Reduction Program

Justification of Adjustments to Base

(Dollars in thousands)

Perm. Pos.	FTE	Amount
---------------	-----	--------

Transfers to and from other accounts:

Foreign Cooperative Investigative Decision Unit from Salaries and Expenses	564	532	\$ 119,003
Laboratory Services Decision Unit from Salaries and Expenses	324	321	35,026
Base Resources from Salaries and Expenses	-	-	12,800
Base Resources to Salaries and Expenses	-	-	(28,232)
Total, Transfer	888	853	139,297

Increases (Automatic, non-policy)

1998 Pay Rate	-	-	1,899
---------------	---	---	-------

This request provides for the proposed 2.8 percent pay raise to be effective in January of 1999 and is consistent with Administration policy included in the 1998 President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested \$1,899,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$1,447,000 and \$452,000 for benefits = \$1,899,000).

Annualization of 1997 pay raise

	-	-	131
--	---	---	-----

This pay annualization represents first quarter amounts (October through December) of the 1997 pay raise increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested \$131,000, represents the pay amounts for the first quarter of the year (\$100,000 for pay and \$31,000 for benefits).

DRUG ENFORCEMENT ADMINISTRATION
Violent Crime Reduction Program
Justification of Adjustments to Base (Continued)
(Dollars in thousands)

	Perm. Pos.	FTE	Amount
Annualization of 244 additional positions approved in 1997 This provides for the annualization of 337 additional positions provided in 1997 Congressional Action for Violent Crime Reduction Program. This request includes nonrecurring costs for one-time items associated with the increased positions.			
Annual salary rate of 337 positions		168	15,089
Less lapse (50%)			7,100,000
Net Compensation			1,697,000
Associated employee benefits			4,054,000
Other (non-personnel)			-
Travel			325,000
Transportation of Things			484,000
GSA Rent			807,000
Communication/Inflates			721,000
Printing/Reproduction			15,000
Other Services			(2,104,000)
Supplies/Materials			315,000
Equipment			1,765,000
Total costs subject to annualization			15,089,000

DRUG ENFORCEMENT ADMINISTRATION
Violent Crime Reduction Program
Justification of Adjustments to Base (Continued)
(Dollars in thousands)

	Perm. Pos.	FTE	Amount
General pricing level adjustments			946
<p>This request applies OMB pricing guidance to selected expense categories. This increased costs identified result from applying a factor of 2.6 percent against those subject classes where that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.</p>			
Total, Adjustments To Base	888	1,021	167,342

DRUG ENFORCEMENT ADMINISTRATION
Violent Crime Reduction Program
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1998 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Pos. & FTE	Amount	Pos. & FTE	Amount	Pos. & FTE	Amount	Pos. & FTE	Amount
GS-12, \$45,939-59,725	203	-	873	-	1,252	-	379	-
GS-11, \$38,330-49,831	-	-	87	-	419	-	362	-
GS-10, \$34,887-46,831	-	-	-	-	10	-	10	-
GS-9, \$23,306-30,284	-	-	255	-	403	-	146	-
GS-8, \$20,906-27,183	-	-	-	-	-	-	-	-
Ungraded positions	-	-	-	-	3	-	3	-
Locality Pay	-	-	-	-	-	-	-	-
1997 Pay Raise	-	-	-	400	-	-	-	-
1998 Pay Raise	-	-	-	-	-	400	-	-
Total appropriated positions	203	\$ 10,706	1,165	\$ 68,212	2,087	\$ 121,415	902	\$ 55,203
Pay above stated annual rates	-	41	-	254	-	465	-	211
Lapses	(43)	(2,279)	(172)	(9,328)	(46)	(2,879)	126	6,449
Savings due to lower pay scales for part of year	-	-	-	(100)	-	(492)	-	(392)
Net, full-time permanent	160	8,468	1,013	66,638	2,041	118,709	1,028	61,871
Other personnel compensation	-	-	-	-	-	-	-	-
Overtime	8	331	17	727	33	1,495	18	788
Law Enforcement Availability Pay	40	1,656	217	9,281	338	15,315	121	6,034
Other compensation	3	124	44	1,882	66	3,062	24	1,200
Special personal services payments	-	-	-	-	-	-	-	-
Total, Workyears & personnel compensation	211	\$ 10,579	1,291	\$ 88,728	2,480	\$ 138,801	1,189	\$ 69,873
Average ES Salary	-	-	-	55,398	-	-	-	-
Average GS Salary	-	63,001	-	-	-	68,230	-	-
Average GS Grade	-	13	-	11	-	11	-	-

DRUG ENFORCEMENT ADMINISTRATION
Violent Crime Reduction Program
Summary of Requirements by Grade and Object Class (Continued)
(Dollars in thousands)

[illegible]

Note: The 1998 Actual interest reflects the understated balance of \$7,256 to be recorded over into Fiscal Year 1997

Department Of Justice
Drug Enforcement Administration
Construction
Estimates for Fiscal Year 1998

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**Drug Enforcement Administration
Construction Program**

Summary Statement

DEA is requesting \$5.5 million to fund the replacement of five of its eight regional laboratory facilities.

DEA's forensic laboratories provide critical operational and analytical support to drug law enforcement at the State, local, Federal and international level. These existing facilities no longer meet DEA's operational requirements and are severely overcrowded. Furthermore, because these laboratories do not meet Occupational Health and Safety Administration (OSHA), Environmental Protection Agency (EPA), and other Federal, State and local health and safety requirements, DEA is being forced to operate at an unacceptably high level of liability risk. This non-compliance with the law could make DEA subject to potentially expensive civil suits from laboratory employees who develop health problems that can be attributed to an unhealthy working environment.

DEA can not afford to enter into leases in substandard facilities that do not meet standard laboratory design criteria and the agency's requirements for the health and safety of its employees. This crisis will only continue to accelerate with the passage of time. Failure to improve the laboratory facilities could ultimately affect the ability of the laboratories to provide high quality, timely, and effective support to enforcement operations and the long lead time required to relocate facilities mandates that urgent attention be given to this problem now. These laboratory facilities to be replaced include the following: the Southwest Laboratory (San Diego); the Mid-Atlantic laboratory (Washington, D.C.); the Southeast Laboratory (Miami); the Special Testing and Research Laboratory (McLean, VA); and the Western Laboratory (San Francisco).

DRUG ENFORCEMENT ADMINISTRATION

DEA Construction
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates includes proposed changes in the appropriation language listed and explained below. New language is underscored.

DEA Construction

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; ad preliminary planning and design of projects; \$30,806,000 to remain available until expended. \$5,500,000

Department of Justice Appropriations and Related Agencies Act, 1997: 104-208 (approved September 30, 1996; 110 STAT 3009.)

Explanation of Changes

- 1. The first change reflects a decrease in authority for the DEA Training Center.
- 2. The second change reflects an increase in authority for the restoration and upgrade of DEA's laboratory facilities.

**Crosswalk of 1997 Changes
(Dollars in thousands)**

Direct

30 808	
<u>30 808</u>	

7

Adjustments to Base
1997 as Enacted
Non-Recur Training Center

1998 Base

Program Changes
1998 Estimate

Perm Pos	FTE	Amount
		\$ 39,806
		(29,306)
		<u>1,500</u>
		<u>4,000</u>
		<u>\$ 5,500</u>

	1997 as Enacted			1998 Base			1998 Estimate			Increase/Decrease		
	Perm Pos	FTE	Amount	Perm Pos	FTE	Amount	Perm Pos	FTE	Amount	Perm Pos	FTE	Amount
1 Management Administration			\$ 30 806			\$ 1 500			\$ 5 500			\$ 4 000
Total			30 806			1,500			5,500			4,000

**Drug Enforcement Administration
Construction
Program Performance Information
Government Performance and Results Act Requirements**

Mission: To improve the efficiency and productivity of DEA drug investigations by providing for the reconstruction of existing DEA laboratory facilities.

Organizational Goal:

1. To enhance the quality of laboratory operational support provided to DEA and other Federal, State and local law enforcement agencies.
2. To improve the working conditions of DEA laboratory personnel by providing for environmentally safe and structurally sound laboratory facilities.

**Drug Enforcement Administration
Construction
Justification of Program and Performance
(Dollars in Thousands)**

ACTIVITY: CONSTRUCTION

Laboratory Reconstruction	Perm. Pos.	FIE	Amount
1997 Appropriation	\$30,806
1998 Base	\$ 1,500
1998 Estimate	\$ 5,500
Increase/Decrease	\$ 4,000

LONG RANGE GOAL: To ensure that DEA's forensic drug laboratories meet all operational requirements and provide its employees with a safe and healthy work environment.

BASE PROGRAM DESCRIPTION: The DEA Construction appropriation provides resources for a multi-year project to reconstruct at least five of the agency's deteriorating laboratory facilities. DEA has eight forensic drug laboratories with unique requirements in terms of physical design and layout for conducting analysis of drug evidence. The labs provide a key service of timely analysis of drug evidence produced by field agents of the DEA, Federal Bureau of Investigation and other Federal law enforcement agencies. However, at least five of the eight laboratories are facing severe space shortages, lease expirations and environmental conditions that pose health risks. Failure to improve these facilities could adversely affect the ability of the laboratories to provide quality, timely and effective support to enforcement operations and subsequent prosecution efforts.

DEA and the Army Corps of Engineers awarded a contract with an Architectural/Engineering (A&E) firm during September 1995 (at a total cost of \$5.5 million), for each of the five identified laboratories to provide laboratory design and construction documents. The construction documents will be completed by mid 1997.

DEA is currently working on an agreement with GSA and the Army Corps of Engineers which, after completion of the required A&E designs, provide DEA with state-of-the-art laboratory facilities and a 20-year lease. The actual construction costs of the facilities would then be paid to GSA through rent. This plan would allow DEA to avoid having to submit a one-time laboratory construction request to the Department of Justice for each of the five laboratories, which could cost as much as \$65.0

million. In addition, the GSA leasing arrangements would allow DEA to purchase any of the five facilities over the course of the individual 20-year leases.

The facilities would be designed to house chemical laboratories meeting OSHA and EPA requirements, construction code, and adopted consensus standards for laboratory ventilation to ensure the health and safety of DEA laboratory employees. Following the GSA rental plan, DEA would be responsible for any above standard construction associated with the building of the facilities, construction supervision costs for the Corps of Engineers, furniture and furnishings for the facilities, security, telephones, and any additional rent costs associated with operation of the laboratories. This project cannot be delayed without significant risk affecting the health and safety of DEA laboratory staffs.

INITIATIVE 1

Laboratory Construction Initiative
Laboratory Services

Pos.	EIE	Amount (\$000)
0	0	\$4,000

Proposed Actions

This initiative seeks to address the following objective:

1. To ensure that DEA's forensic drug laboratories meet all operational requirements and provide its employees with a safe and healthy work environment.

DEA requests \$4,000,000 to begin priority replacement of its aging, obsolete forensic laboratory facilities.

DEA's forensic laboratories provide critical operational and analytical support to drug law enforcement at the State, local, Federal and international level. Stationed throughout the United States, DEA's forensic chemists and fingerprint specialists are responsible for a wide variety of highly specialized and unique missions that include: analysis of drug evidence; forensic expert testimony in court; on-site field assistance for clandestine laboratory operations; and drug signature analyses. DEA must perform these mission-critical functions in order to effectively support prosecution efforts and to safeguard the health and safety of potentially at-risk law enforcement personnel.

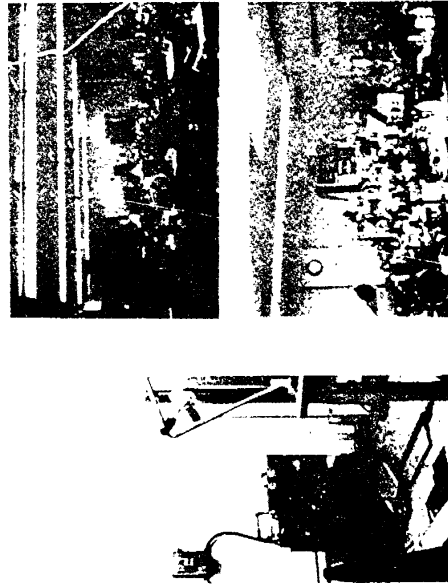
Management of the forensic laboratory program requires the continual, annual purchase of millions of dollars worth of technical and scientific equipment and, of course, the maintenance of eight highly specialized forensic laboratory facilities located throughout the United States. These laboratories provide drug analytical support on a geographic, regional basis and are essential to DEA operations.

Unfortunately, however, factors such as lease expirations, severe space shortages, and poor environmental conditions require the replacement and relocation of at least five of DEA's eight forensic laboratories by 2001. These laboratory facilities include the following: the Southwest Laboratory (San Diego); the Mid-Atlantic Laboratory (Washington, D.C.); the Southeast Laboratory (Miami); the Special Testing and Research Laboratory (McLean, VA); and the Western Laboratory (San Francisco).

DEA's Laboratory Facilities No Longer Meet Operational Requirements

Most of DEA's eight forensic laboratories were designed in the late 1960's or early 1970's and thus no longer meet DEA's ever increasing operational requirements. Twenty years worth of growth in chemist staffing, the expansion and evolution of program responsibilities, and increasing amounts of essential laboratory equipment have generated space requirements that DEA's current facilities simply can not meet. Unfortunately, the results of this overcrowding have had a debilitating effect on DEA's laboratory program.

DEA forensic chemists, many of them acknowledged leaders in their particular fields of expertise, are working in cramped, confining areas crammed with analytical equipment, glassware, chemicals, solvents and drug evidence. Hallways in these facilities have become more like obstacle courses filled with equipment, old furniture and/or supplies, hindering movement and significantly affecting employee morale. Conference rooms have been eliminated and offices have even been created in stairwells as more and more chemist work space has been sacrificed to make room for additional staffing, vital laboratory instrumentation and drug/evidence storage. The current overcrowding situation experienced in these facilities increases the chance of unnecessary accidents and makes it more difficult to safeguard the integrity of evidence. **Pictured below are examples of the current environment for employees working in these obsolete facilities.**



In fact, the space conditions of these laboratories have now reached the crisis level and DEA may soon no longer be able to accommodate the much-needed chemist staffing increases, drug/evidence storage or new equipment required to keep up with the increasing demands of drug law enforcement. The following is a short synopsis of specific deficiencies and needs of each of these facilities.

Southwest Laboratory: Located in San Diego, California, this laboratory space has been occupied since June 1976 and there is currently insufficient space to properly accommodate the laboratory's chemist, and support staff. The current lease expired on this facility on October 31, 1996 and the General Services Administration is currently negotiating an extension of the lease. Overcrowding, outmoded ventilation, deteriorating facility infrastructure, poor facility design and Federal property management regulations render relocation of this facility as the most feasible alternative.

Mid-Atlantic Laboratory: Located in Washington, D.C., this laboratory space has been occupied by DEA since October 1971. The facility was originally configured to accommodate the needs of 25 chemists and is presently staffed beyond capacity. A prospectus development study of facility space requirements was performed by GSA in 1991 and indicated the need to expand the laboratory to approximately 40,000 square feet of space. The current lease on this facility expired in October 1994 and the extension on the property granted by GSA expires on March 31, 1997. Overcrowding, outmoded ventilation, deteriorating facility infrastructure, poor facility design and Federal property management regulations render relocation of this facility as the most feasible alternative.

Southeast Laboratory: Located in Miami, Florida, this laboratory space has been occupied since June 1977. The laboratory is located within the same office complex as DEA's Miami Field Division, occupying the entire second floor (17,000 square feet) of a two story building. The building also houses components of the Bureau of Alcohol, Tobacco and Firearms, as well as an armed forces recruiting office. Expansion space is only available through the displacement of non-DEA entities. The lease on the property expires May 31, 1997. Overcrowding, outmoded ventilation, deteriorating facility infrastructure, poor facility design and Federal property management regulations render relocation of this facility as the most feasible alternative.

Special Testing and Research Laboratory: Located in McLean, Virginia, this facility has been occupied since October 1972. The current lease on the facility expires October 31, 1997. Increased program demands, special operations and mandated initiatives have severely impacted the available space and existing facility infrastructure. Overcrowding, outmoded ventilation, deteriorating facility infrastructure, poor facility design and Federal property management regulations render relocation of this facility the most feasible alternative.

Western Laboratory: Located in San Francisco, California, this laboratory has been occupied by DEA since February 1989. Space is currently leased under a memorandum of agreement in a U.S. Post Office building. The facility encompasses approximately 15,000 square feet of space, and although comparatively new, it has already exceeded its staffing capacity with no additional space for chemists. A heightened awareness of safety and health issues and overcrowding require a review of the existing space to determine whether on-site expansion is feasible or relocation is necessary.

The Current State of DEA's Forensic Laboratories Raises Significant Health, Safety, and Liability Issues

DEA can not afford to enter into leases in substandard facilities that do not meet standard laboratory design criteria and the agency's requirements for the health and safety of its employees.

As an alarming example of the poor conditions of these facilities, DEA chemists in a majority of the eight laboratories are now exempt from the mandatory agency-wide drug testing program because of poor work station design and inadequate air handling/ventilation systems. DEA chemists are, on a daily basis, breathing air containing improper amounts of potentially hazardous substances ranging from illegal drugs to chemical solvents. Ideally, chemical laboratories should have 10 to 15 air changes per hour and provide for the use of fume hoods when working with potentially toxic substances. Unfortunately, in DEA's current facilities, the limited space between the ceiling and floor (or roof) above constrains the ability to install and service heating, ventilation and air conditioning (HVAC) equipment and duct work, electrical power lines, and other utilities. In other words, refurbishment of the existing laboratories to bring DEA in full compliance with current health and safety regulations is impossible in the existing facilities.

Various studies on laboratory design including, *Guidelines for Laboratory Design Health and Safety Considerations* (1987); *Safe Laboratories: Principles and Practices for Design and Remodeling* (1991); *OSHA Laboratory Standard 29 CFR Part 1910*; and, the *ASHRAE Standard for Acceptable Indoor Air Quality*, clearly reflect the necessity for lower chemical exposure limits and proper confinement of hazardous materials in forensic laboratories. DEA has, in recent years, attempted to confront current health and safety related concerns within the existing laboratory system through a variety of avenues, including the modification of current HVAC systems. Such efforts have proven to be piecemeal attempts to address a crisis that can only rightly be corrected through expensive, long-term facility reconfiguration, or in most cases, new laboratory construction.

The current laboratory crisis faced by DEA will only continue to accelerate with the passage of time. Failure to improve the laboratory facilities could ultimately affect the ability of the laboratories to provide high quality, timely, and effective support to enforcement operations and the long lead time required to relocate facilities mandates that urgent attention be given to this problem now.

New Laboratory Facilities Are The Key

Modern, state-of-the-art facilities will provide DEA's highly skilled and specialized chemists with a healthy, safer work environment and promote more efficient use of DEA's analytical resources. The new laboratory facilities will be designed to provide the following benefits: 1) accommodate workstations that allow chemists and fingerprint specialists to do their desk work outside of the chemical environment; 2) prevent contamination of reports and records; 3) avert passive inhalation; 4) provide the necessary number of fume hoods in which to do chemical analysis safely; and 5) come equipped with modern HVAC systems that supply fresh filtered air at standard laboratory ventilation rates. Pictured below is an example of what a state of the art facility that meets all operational requirements in terms of space, health, safety and environmental conditions.



Work On These New Laboratories Has Already Begun

DEA and the Army Corps of Engineers awarded a contract with an Architectural/Engineering (A&E) firm during September 1995 (at a total cost of \$6.5 million), for each of the five identified laboratories to provide laboratory design and construction documents. The construction documents will be completed by mid 1997.

DEA is currently working on an agreement with GSA and the Army Corps of Engineers which, after completion of the required A&E designs, provide DEA with state-of-the-art laboratory facilities and a 20-year lease. The actual construction costs of the facilities would then be paid to GSA through rent. This plan would allow DEA to avoid having to submit a one-time laboratory construction request to the Department of Justice for each of the five laboratories, which could cost as much as \$65.0 million. In addition, the GSA leasing arrangements would allow DEA to purchase any of the five facilities over the course of the individual 20-year leases.

The facilities would be designed to house chemical laboratories meeting OSHA and EPA requirements, construction code, and adopted consensus standards for laboratory ventilation to ensure the health and safety of DEA laboratory employees. Following the GSA rental plan, DEA would be responsible for any above standard construction associated with the building of the facilities, construction supervision costs for the Corps of Engineers, furniture and furnishings for the facilities, security, telephones, and any additional rent costs associated with operation of the laboratories.

The chart below depicts DEA's estimates for the cost of these facilities.

Laboratory Replacement - 3 Year Cycle Cost Estimates	
Above Standard Construction (Ⓔ \$1.95 million per facility)	\$9,750,000
Construction Management Costs (Ⓔ \$520,000 per facility)	\$2,600,000
Furniture, Furnishings, Telephones & Security (Ⓔ \$1,800,000 per facility)	\$9,000,000
Total Cost	\$21,350,000*
*This figure may be ultimately increased to a total cost of \$25,620,000 when DEA replaces the South Central laboratory facility in Dallas, Texas.	

DEA's forensic laboratory program is a vital link in the chain of successful, effective drug law enforcement. This funding is necessary to provide its highly trained and specialized chemist workforce with a safer, more efficient place to work.

DRUG ENFORCEMENT ADMINISTRATION

Construction
Summary of Changes
(Dollars in thousands)

	Permanent Positions	Workyears	Amount
CONSTRUCTION			
1997 as Enacted	\$ 30,806
Adjustments to Base:			
Non-recr Training Center	(29,306)
1998 Base	1,500
Program Changes	4,000
1998 Estimate	5,500

DRUG ENFORCEMENT ADMINISTRATION
Construction
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

[illegible]

DRUG ENFORCEMENT ADMINISTRATION
Drug Diversion Control Fee Account
Fiscal Year 1998

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DRUG ENFORCEMENT ADMINISTRATION
Drug Diversion Control Fee Account

Summary Statement

DEA's Drug Diversion Control Program is responsible for control of diversion, distribution, manufacture, and abuse of legitimate pharmaceuticals, and serves as a resource base for states and other agencies on drug distribution and abuse patterns. The Comprehensive Drug Abuse and Prevention and Control Act of 1970 (Public Law 91-5132) (CSA) authorizes DEA to enforce the law as it applies to the registration of handlers of controlled substances. The program also serves as a resource center for the international monitoring and control of legitimate pharmaceuticals.

The purpose of the Drug Diversion Control Program is to prevent, detect, and investigate the diversion of controlled substances from legitimate channels, while ensuring that there is an adequate and uninterrupted supply of controlled substances required to meet legitimate needs. This is accomplished through periodic, pre-registrant and criminal investigations, registrations, drug scheduling, establishing manufacturing quotas, voluntary compliance, state assistance, industry liaison and associated support programs. Additionally, DEA has responsibility for adhering to the United States international treaty obligations through activities with the United Nations, the Customs Cooperation Council, Interpol, and other international drug control organizations, as well as for government officials involved in drug control.

DEA annually registers in excess of 880,000 drug handlers, of which 1,670 are manufacturers, distributors, importers, exporters, and others handling large volumes of controlled substances. The Drug Diversion Control Program will focus on improving customer service by providing a 1-800 telephone service this year.

Preventing the diversion of controlled substances from legitimate channels of drug distribution is a cooperative effort between Federal and state governments. DEA has primary responsibility for enforcing the provisions of the CSA as it relates to all non practitioner registrants. DEA also targets any registrant violator who meets established criteria. DEA will reinstate the Drug Diversion Investigative Units (DIUs) this fiscal year as a means to focus diversion control efforts at the State and local level. In the past, this has served to increase arrests, while decreasing the cost per arrest.

Intergovernmental liaison for planning and coordination is necessary for criminal prosecutions and civil actions, for reciprocal development and exchange of leads with the Food and Drug Administration, the National Institute on Drug Abuse, the Federal Bureau of Investigation, the Department of State, the Internal Revenue Services, the U.S.

Customs Service, the Department of Defense, the Department of Veterans Affairs, and respective state and local law enforcement and regulatory agencies.

The Drug Diversion Control Program will also establish a National Forensics Laboratory Information System (NFLIS). This will be the first national data base focused on collecting information from drug evidence analysis associated with criminal activity. The collection of accurate and scientifically validated data concerning abuse of controlled substances and scientific review of actual or potential drugs of abuse is a necessary function for scheduling controlled substances, setting quotas for manufacturing levels, and providing leadership in establishing drug policy under the CSA.

Pursuant to the Appropriations Act of 1993, CSA registration fees were increased in 1993 by a factor of 3.5 to recover the entire cost of the program beginning in 1994. DEA will not raise the fees in 1997.

Drug Enforcement Administration
Drug Diversion Control Fee Account
Crosswalk of 1997 Changes
(Dollars in thousands)

1997 President's Budget Request		
Pos.	FTE	Amount
598	594	\$ 52,824

Transfers ^{1/}		
Pos.	FTE	Amount
-	-	-

1997 Appropriation Anticipated		
Pos.	FTE	Amount
598	595	\$ 52,324

Drug Diversion Control

^{1/} Due to requirements of the Budget Enforcement Act of 1990, the first \$15,000,000 of receipts collected is deposited in the General Treasury and DEA's Salaries and Expenses appropriation receives \$15,000,000 in appropriated funds. Prior to FY 1996, these funds were reimbursed annually to the DDCFA. Beginning in 1996, these funds are to be transferred annually to the DDCFA.

Drug Enforcement Administration
Drug Diversion Control Fee Account
Summary of Requirements
(Dollars in thousands)

	1997 Appropriation			1998 Base			1998 Estimate			Increases		
	Perm Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount	Pos	FTE	Amount
Adjustments to Base												
1997 as Enacted	608		\$ 52,824									
Transfers to and from Other Accounts												
Increases (automatic, non-policy)			1,832									
1998 Base				608		\$ 54,447						
Program Changes				37	18	3,821						
1998 Request										37	18	\$ 3,821
												\$ 58,268
Estimates by Budget Activity												
Enforcement	588		\$ 52,824	588		\$ 54,447	625		\$ 58,268			
Other Workyears												
Holiday		1			1			1				
Overtime												
Availability		3			3			3				
Other												
Total compensable workyears		4			4			4				

Note: Excludes \$15 million transferred annually from DEA's Salary and Expenses.

Drug Enforcement Administration
Drug Diversion Control Fee Account
Summary of Requirements
(Dollars in thousands)

Financing	1998 Actual	1997 Appropriation Anticipated	1998 Estimate
Unappropriated Balance, Start of Year.....	37,229	39,773	43,749
Receipts:			
Receipts Collected.....	65,573	71,800	63,300
Transfer to General Treasury Fund.....	(15,000)	(15,000)	(15,000)
Total Receipts.....	50,573	56,800	48,300
Appropriation/Obligations			
Drug Diversion Control Fee Account.....	(47,053)	(52,824)	(58,268)
Prior Year Recoveries.....	-	-	-
Total Obligations.....	(47,053)	(52,824)	(58,268)
Unappropriated Balance, End of Year.....	39,773	43,749	33,781
Outlays.....	52,761	62,000	54,448

1 Actual 1998 Receipts reported through September 30, 1998

**Drug Enforcement Administration
Drug Diversion Control Fee Account
Program Performance Information
Government Performance and Results Act Requirements**

Mission:

DEA has been delegated responsibility for control of diversion, distribution, manufacture, and abuse of legitimate pharmaceuticals, and serves as a resource base for states and other agencies on drug distribution and abuse patterns. The Comprehensive Drug Abuse and Prevention and Control Act of 1970 (Public Law 91-6132) (CSA) authorizes DEA to enforce the law as it applies to the registration of handlers of controlled substances. The program also serves as a resource center for the international monitoring and control of legitimate pharmaceuticals.

The purpose of the Drug Diversion Control Program is to prevent, detect, and investigate the diversion of controlled substances from legitimate channels, while ensuring that there is an adequate and uninterrupted supply of controlled substances required to meet legitimate needs.

Organizational Goal: Prevent legitimately produced controlled substances from being diverted into illicit channels.

Major Objectives:

1. Conduct investigations of suspect practitioners and evaluations of registrant qualifications.
2. Enforce all provisions of the CSA and the Anabolic Steroid Control Act (ASCA) through criminal and regulatory investigations as well as civil actions.
3. Assess the ability of the states to control diversion and assist them in their drug diversion control efforts.
4. Identify all new substances which are being abused or have abuse potential, determine their placement in the appropriate CSA schedule and establish manufacturing quotas.
5. Respond in a timely fashion to all requests concerning drug control issues and import/export data.
6. Register all legal handlers of controlled substances.
7. Continually monitor the closed system of distribution of licitly manufactured controlled substances.

There are approximately 911,000 handlers of controlled substances. DEA considers each registrant as a potential source of diversion; however, most diversion activities entail audits at the practitioner and retail pharmacy level.

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Drug Enforcement Administration
Drug Diversion Control Fee Account
Program Performance Information
(Dollars in Thousands)

ACTIVITY: ENFORCEMENT

	Perm.	FTE	Amount
Drug Diversion Control			
1997 Availability ¹	598	594	\$87,824
1998 Base	598	594	54,447
1998 Estimate	635	613	58,268
Increase/Decrease	37	19	3,821

BASE PROGRAM DESCRIPTION: In compliance with United States law and international treaty obligations, the Office of Diversion Control advises DEA management on all matters pertaining to the formulation, direction, and coordination of worldwide programs associated with the diversion of legally produced controlled substances. To include the following:

Criminal Diversion Investigations: DEA identifies the highest level violators responsible for large scale diversion and conducts high quality, timely criminal investigations of their diversion activities.

Public Interest Revocation Investigations: DEA may deny an application for registration, revoke or suspend registration if it is determined that it would be inconsistent with the public interest.

CSA Mandated Cycle Investigations: DEA conducts investigations that ensure diversion does not occur at the manufacturer, distributor, or wholesale level.

¹Due to limitations within the Budget Enforcement Act of 1990, DEA's Drug and Chemical Diversion Control Decision Unit in the Salaries and Expenses budget includes \$15,000,000 (registration fee related) for costs associated with drug diversion control. As these funds are annually transferred to the Drug Diversion Control Fee Account, the amount is included in the 1997 Availability but not the 1998 Base reflected above.

Pre-registrant Investigations: DEA ensures that only qualified individuals or companies are authorized to acquire or dispense controlled substances.

State and Local Assistance: DEA assesses state programs aimed at suppressing the diversion of controlled substances from scientific, medical research, and legitimate distribution channels. In addition, the State Assistance Program provides expertise, leadership, and guidance to the states consistent with national objectives.

Significant Investigations

Illicit Distribution by Physician in Western Pennsylvania: The physician who had been the subject of a four-year investigation by the Cambria County District Attorney's office, the Pennsylvania Attorney General's Office of Medicaid Fraud, and DEA's Pittsburgh Diversion Group entered a plea of guilty to four counts of illicit distribution of controlled substances and one count mail fraud. The doctor admitted devising a scheme to defraud the state by seeing Medicaid patients, failing to provide any medically necessary service, and then billing the Department of Public Welfare for the visits. In addition, the doctor was providing local exotic dancers with Adipex and Vicodin without a legitimate medical purpose and engaged in "sex for drugs" exchanges with at least two female patients. The doctor paid \$13,600 in fines and is facing potentially 21 years in jail.

Georgia Physician Fined \$1 Million: A prominent physician in Adel, Georgia, was sentenced in Federal Court to five years of imprisonment to be followed by three years of supervised probation. He was further ordered to pay the court an immediate \$1 million criminal fine and surrender both his DEA certificate of registration and his medical license. The pharmacist who had collaborated with him, and had stolen drugs to support her habit was fired from her job and lost her license pending rehabilitation. The physician had violated the drug laws in a series of sexual escapades involving a handful of women, some of whom were minors, in exchange for drugs. Before he plead guilty, the government identified 84 incidents in which the physician had falsified drug records over a period of two years. His conviction resulted from a joint investigation conducted by DEA's Atlanta Division and the Georgia Drug and Narcotics Agency.

Registration Population

At present, DEA's registrant population totals 911,446: 393 manufacturers, 977 distributors, 173 exporters, 85 importers, and 985 narcotics treatment programs were designated as "Type B" registrants. The remainders are "Type A" registrants, which includes physicians, veterinarians, pharmacists, and other practitioners. The following table reflects some statistics of the Regulatory Support program:

REGULATORY SUPPORT PROGRAM	1994 Actual	1995 Actual	1996 Est.	1997 Est.	1998 Est.
New Registration Applications	46,457	48,988	45,000	45,500	46,000
Renewal Registrations	294,473	279,605	260,000	305,000	320,000
Order Form Books Issued	463,333	488,612	496,000	512,500	525,000
Order Form Requests	98,957	97,984	110,500	107,000	110,000
Certified Statements for Judicial Proceedings	114	86	125	135	150
Responses to State Agencies for CSA Master File Lists	50	43	50	50	50
ARCOS Transactions	13 mil	15 mil	18 mil	17 mil	17 mil
Drug Distribution Sales Profiles Developed	268	245	290	325	360
Changes, Additions, or Deletions to ARCOS Dictionary	3,720	2,400	3,000	3,400	3,800

DRUG ORIENTED INVESTIGATIONS

DRUG ORIENTED INVESTIGATIONS (DOI)	ARRESTS	SEIZED CASH	REAL ESTATE	CONVEYANCES	OTHER SEIZURES
DOI - 511 (Dilaudid)	139	\$880,192	\$225,000	\$71,300	\$47,160
DOI - 636 (Steroids)	174	\$348,544	\$246,377	\$212,800	\$114,870
DOI - 544 (all other drugs)	1	\$5,040	\$180,000		\$22,640

Description of the Drug Oriented Investigations

The following information is provided about the DOIs that are reflected in the chart on the previous page:

DOI-511: DOI-511 was established to coordinate intelligence and enforcement efforts against retail diversion of Dilaudid nationwide. Dilaudid, a synthetic, morphine-like substance, is considered the most powerful prescription pain killer sold today. There exists a drug culture that is strictly composed of Dilaudid addicts. Due to the demand for the short-acting but potent narcotic, current street prices have been and continue to be as high as \$70 per four milligram tablet. The diversion of this highly addictive drug occurs primarily at the retail level through over-prescribing by unscrupulous physicians and dispensing pharmacists with similar unprofessional motives. Doctor shopping, thefts, and forged prescriptions passed by sophisticated rings account for a large portion of the diversion.

DOI-538: Over the past few years, since DEA's enforcement and regulatory efforts of the Anabolic Steroid Control Act have become well known, a new trend has gradually emerged. Today almost all of the diverted steroids encountered in the illicit market originated from a foreign source, primarily Europe and Mexico. Further, it is now common to find cocaine and marijuana dealers selling steroids as well. DOI-538 continues to be productive and to date has resulted in 174 arrests and the seizure of cash and real property valued in excess of \$922,000.

DOI-544: DOI-544 was established to encompass all prescription drugs other than Dilaudid, Steroids, or Methadone. - There exists a certain population within the drug abusing communities that prefer and traffic in prescription drugs. Methods of diversion include excessive prescribing or dispensing of these drugs by doctors or pharmacists, forged prescriptions, doctor shopping, and theft. More recently, trafficking of Rohypnol (Flunitrazepam) has become a significant problem through smuggling and declaring the drug for personal use. As a result of DOI-544, cash, real property, and other items valued in excess of \$200,000 and 5,800 dosage units have been seized.

DOI-567: DOI-567 was established in Fiscal Year 1996 to provide funding for large-scale investigations of methadone diversions. While the primary intent is to investigate narcotic treatment programs committing diversion or fraud, a secondary objective is to evaluate factors which contribute to diversions from narcotic treatment programs. Diversions occur primarily from take-home doses of clients enrolled in narcotic treatment programs. The average price is \$1 per milligram, but street prices as low as sixty cents per milligram have been seen in large cities where there is greater availability. There are currently four investigations underway.

INITIATIVE 1

Perm. Pos.	FTE	Amount
4	2	\$1,210

Industry Support Improvement Program

Proposed Actions

This Initiative seeks to address the following objectives:

1. Provide improved customer service to the industry by upgrading the Automation of Reports and Consolidated Orders System (ARCOS).
2. Engineer current business processes using state-of-the-art technology to improve the collection of data and transfer of information.
3. Ensure that DEA's Drug Diversion oversight role remains responsive and effective.

DEA requests \$1.2 million and 4 positions (2 Program Analysts, 1 Information Resource Specialist, and 1 Computer Specialist) in order to upgrade the technology of the ARCOS/CSA registration systems and other databases/systems used by the Drug Diversion Control Program. The funding provides \$246,960 for personnel costs, and \$963,000 for contractor support, hardware, software, and equipment costs to upgrade DEA technology to keep pace with the technology used by the regulated industry.

Current Data Collection Methods are Obsolete

The Office of Diversion Control interacts with the health care industry in controlling, managing and monitoring the distribution of legal drugs throughout the United States. This involves transaction reporting related to drug distribution, movement, and use requiring continuous interaction with industry. This interaction has been performed using methods, processes, and technology which are rapidly becoming obsolete and inefficient. DEA's outdated methods of data collection place a huge burden on the industry and the registrants by hampering their ability to comply with current reporting requirements. Consistent with the National Performance Review, DEA's Drug Diversion Control Program has undertaken a business process re-engineering of the Controlled Substances Act System operation and other processes within the Program.

This initiative will allow for an evolutionary change in the Drug Diversion Control Program technology base, as well as implement needed process improvements both within the organization and its relationship to industry. The evolutionary process will contain five major elements: 1) upgrade the current mainframe-based ARCOS system to a database operation, 2) implement data/information structures which move the organization's files closer to effective electronic information distribution and control, 3) establish work flow processes which realign past methods into more effective future processes, 4) integrate functions across the organization, and 5) establish an electronic interchange with registrations for fee submission, registration processes, and transaction reporting in the movement of legal drugs throughout the United States.

The process of maintaining and upgrading the ARCOS/CSA and registration systems has been ongoing for a number of years. The program funds (\$963,000), requested in FY 1998 will upgrade the ARCOS system to a database operation, and provide technical support, hardware, and software to initiate the metamorphosis to allow for electronic data interchange.

The Information Resource Specialist and Computer Specialist requested will provide support to the Drug Diversion Control Program in maintaining the ARCOS/CSA and Registration systems, troubleshooting the operating system and telecommunication problems, training DEA personnel as necessary on computer operations, defining current and future automation requirements, providing feedback to the users and providing liaison with the vendors. These positions will be in addition to the seven people who already provide support to ARCOS and CSA. Two of those seven are computer programmers who are providing programming support for ARCOS and CSA. The remaining five are computer operators and computer assistants who are responsible for computer support such as scheduling, computer operations, and contract monitoring.

The two Program Analysts requested will provide support to the Drug Operations and Drug Evaluation staffs responsible for collecting and inputting vast amounts of information into several different DEA databases. Not only will these Program Analysts maintain the Orders to Show Cause and Significant Activities databases, but they will also conduct other intensive analytical projects, such as the Narcotic Treatment Program Study. The Narcotic Treatment Program Study involves the collection, analysis and data input from more than 900 multiple page questionnaires.

INITIATIVE 2

Operational Improvement Program			
Proposed Actions			
	Perm. Pos.	FTE	Amount
	4	2	\$ 283

This Initiative seeks to address the following objectives:

1. Provide expert staff for economic analysis, cost-benefit analysis, and assessing the impact on small business of regulations necessary to implement new legislation and keep up with industry practices.
2. Improve processing time for Orders to Show Cause.

DEA requests \$283,000 and 4 positions (including 1 Diversion Investigator and 3 Program Analysts) in order to provide operational support for the Drug Diversion Control Program. This increased staff support two areas of the Drug Diversion Control Program: (1) issuing regulations to implement legislation; and (2) processing Orders to Show Cause.

Regulations

A critical function of the Drug Diversion Control Program is to conduct required impact analysis and to develop regulations as the result of new laws and developing drug control and industry practices. This workload has increased substantially as the result of new legislation, Executive Orders, and National Performance Review mandates. Each analysis is now subject to judicial review. In accordance with the Regulatory Flexibility Act, the Agency is required to list all alternatives considered--including doing nothing--and provide a cost benefit analysis for each alternative, for each new regulatory modification of any existing regulation. In addition, the President signed into law the Small Business Regulatory Enforcement Fairness Act of 1996 in March. Provisions of this Act apply to all final rules. This Act mandates Congressional oversight of each Final Rule. It states that any final rule published on or after March 29 cannot take effect until the agency provides a report to each House of Congress and to the GAO containing a copy of the rule, a concise statement regarding the rule, and the proposed effective date. When the agency submits this report, it must also provide the cost-benefit analysis, regulatory flexibility, or unfunded mandates analysis prepared for the purposes of the rule. In addition, this Act provides for agencies to prepare compliance guides for certain rules and to provide informal guidance to small entities regarding their regulation. These new laws in conjunction with other new legislation and Executive Orders, have substantially increased the workload of the Diversion Control staff. Therefore, DEA is requesting two analysts, and one Diversion Investigator Staff Coordinator who will conduct the necessary economic and cost-benefit analysis, assess impact on small businesses, and perform other analysis necessary to develop effective regulations.

Orders to Show Cause Processing

An Order to Show Cause is a lengthy administrative process by which an applicant or a registrant, who has been denied registration, is given the opportunity to bring evidence forward supporting their right to be registered. Prior to a Show Cause hearing, each Order to Show Cause must be reviewed by the Domestic Drug Unit and then presented to DEA's Office of Chief Counsel. Currently, Staff Coordinators spend months collecting all relevant data from the Diversion Investigators and completing the entire investigation package. In order to prepare, process, and review the Orders to Show Cause packages, DEA organizes task forces comprising four to six Diversion Investigator Group Supervisors. This task force is temporarily assigned to DEA Headquarters to work on clearing the backlog. The Office of Diversion Control processes approximately 133 Show Cause Orders each year. This request will provide a full-time professional to continuously prepare these packages for review by Senior Diversion Investigators. This will also provide DEA's Office of Chief Counsel with the Orders to Show Cause on a steady basis, instead of 35-40 at a time after a Show Cause Task Force has processed them. This would result in speedier resolution of the registrant's appeal.

INITIATIVE 3

Perm.	EFE	Amount
Pos.	11	\$2,007
21		

Community Assistance Program

Proposed Actions

This initiative seeks to address the following objectives:

1. Provide DEA staffing for the three provisional Diversion Investigative Units established in FY 1997, and continue this momentum by adding three additional units. These units (which will now be called Tactical Diversion Squads) will provide better coordination and information exchange between Federal, state, and local law enforcement authorities.
2. Assist state personnel develop expertise in diversion investigations.
3. Eliminate jurisdictional overlaps and submit stronger and more effective cases for prosecution.
4. Provide information, analysis, literature, guidance, and evaluation for community-based pharmaceutical diversion prevention awareness programs.

Through this request, DEA seeks \$2.0 million and 21 positions (including 13 Diversion Investigators, 8 clerical and 2 Program Analysts). Funding consists of \$1,632,048 for personnel costs and \$375,000 to fund the Community Education Program.

Tactical Diversion Squads

In the FY 1997 President's Budget request, DEA established a funding base for three Diversion Investigative Units (DIU). No additional personnel were requested to staff these units. This initiative will provide two permanent Diversion Investigators and one clerical position for each of the three DIUs. As the need for these units has grown over last year, DEA seeks to form three additional units. DEA would also like to change the name of these units from Diversion Investigative Units to Tactical Diversion Squads (TDS) to avoid confusion--as the DIU terminology is currently used by state and local police forces, this will distinguish the Federal squads.

Each of the Tactical Diversion Squads will consist of two Diversion Investigators, one clerical, and eight Federally deputized state and local officers. Officials from state and local governments, such as Bureau of Narcotics, State Pharmacy Boards, and State Medical Boards, will also participate in the TDS.

The need still exists to focus diversion control efforts at the state and local level and provide a medium through which DEA can influence national diversion control efforts and assist states to develop criminal enforcement strategies.

DEA's Investigative Resources Fall Short of What is Needed

Adequate DEA resources are not available to identify, investigate, and eradicate the diversion of controlled substances at the state and local level. An advantage in establishing a TDS is combining the state and local officer's knowledge of the geographical area of investigation and the DEA Diversion Investigator's knowledge of diversion control strategies to increase the volume of successfully prosecuted cases at the Federal, state, and local level. This also provides an option of three levels of prosecution, which should also increase the volume of successfully prosecuted cases.

Not only does this initiative focus on the criminal investigative function of diversion control, but it also provides a comprehensive prevention and public awareness program. While this will augment DEA's current Demand Reduction Program, the personnel requested will provide services that the Demand Reduction Program does not have the manpower or funding to provide. The two Program Analysts and one Diversion Investigator will also strive to build coalitions that bring cooperation, communication, and coordination to bear on the diversion of legitimate drugs at the community, professional, and regulatory levels. It is DEA's aim to build coalitions with key components of the community, such as schools, businesses, and neighborhoods as well as law enforcement and government personnel. The program funding will allow for dissemination of information regarding current trends in abuse of legitimate drugs such as hydrocodone, Dilaudid, Ritalin, Percodan, Rohypnol, and anabolic steroids. It will also sponsor conferences to bring community organizations, state and local law enforcement officials and industry representatives together to address these problems.

This initiative will also address the diversion of legitimate drugs from international sources that affect the United States by providing translated policy initiatives and informational documents for distribution to foreign governments, drug enforcement officials, and producers of controlled substances.

INITIATIVE 4

Perm.	FTE	Amount
Pos.		
8	4	\$321

Improved Customer Service Support

Proposed Actions

This initiative seeks to address the following objectives:

1. Provide increased Registration Support staff to selected field divisions.

The Comprehensive Drug Abuse Prevention and Control Act of 1970 (CSA) authorizes DEA to enforce provisions of this Act as they apply to registered handlers of controlled substances. DEA registers in excess of 911,000 drug handlers annually, of which more than 10,380 are manufacturers, distributors, importers and exporters, researchers, and others handling large volumes of controlled substances. The remaining 900,000 registrants are "practitioners," including doctors, retail pharmacies, and hospitals.

Over the last six years, the registration population has grown an average of 21,000 registrants per year. This is the result of subtracting retired registrants, and adding nearly 48,000 new registrants to the master file each year. Based upon this average it is anticipated that the base will grow from 911,486 in FY 1996 to 974,486 by the end of FY 1998. This growth trend is expected to continue. The volume of the work processed by each registration technician has increased significantly in many areas of operations. For example, in FY 1989, 17,702 registrants retired compared to 34,461 in FY 1995. The number of delinquent notices has increased from 12,701 in FY 1989 to 31,632 in FY 1995. The number of congressional inquiries rose from an average of 69 per year over the five year period FY 1989 through FY 1993 to a peak of 552 in FY 1994 alone, and 140 in FY 1995. All of these activities involve numerous transactions for a registration technician. DEA currently has 30 Registration Assistants working within the 20 field divisions.

In addition to processing new applications, Registration Assistants answer all written and telephonic inquiries by applicants and registrants, make file maintenance changes including address, drug schedule and name changes, process requests for Order Forms, and verify a registrant's status with the appropriate state licensing agencies. They are also responsible for reviewing and entering data into the CSA system for all new and renewal applications for registration, preparing and typing letters to return applications, and depositing fees to the U.S. Treasury.

In order to keep up with the ever increasing registration population, DEA is requesting eight additional Registration positions for allocation to domestic field offices. Seven of these positions will be allocated to offices in the country with a high number of registrants and thinly spread technicians--such as Indianapolis, Indiana; Columbus, Ohio; Columbia, South Carolina; Buffalo, New York; Hartford, Connecticut; Kansas City, Missouri; and Newark New Jersey. Due to the problems of time zone changes, service to Guam, the distance between the Los Angeles Division office and the District Office located in Honolulu, Hawaii, the eighth position will be allocated to the Honolulu Office.

ORGANIZATIONAL GOAL 1: Prevent legitimately produced controlled substances from being diverted into illicit channels.						
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual ¹	1997 Estimate	1998 Estimate
Input	1. Domestic Diversion Investigative Workhours	249,427	250,480	232,815	283,327	316,520
	a) Criminal Cases					
	b) Complaint Cases	114,916	108,193	103,586	130,822	140,950
	c) Other Cases	124,489	125,184	131,366	185,652	178,750
Output	2. Diversion Investigator (Drug & Chemical) FTE	391	382	341	430	464
	3. Investigations ²					
	a) Criminal	1,610	1,505	1,448	1,500	1,600
	b) Pre-registrant	1,250	1,315	1,049	1,323	1,427
	c) Cyclic	809	844	839	844	860
	4. Permits & Declarations Issued for Legitimacy Manufactured Drugs ³					
	a) Import/Export Declarations	3,334	3,004	3,712	4,000	4,500
	b) Import/Export Permits	1,935	1,809	2,239	2,700	3,200
	5. Procurement and Manufacturing Quotas	1,013	1,216	1,162	1,250	1,300
	6. Registrations Processed ⁴	341,387	328,573	317,281	381,500	398,500
	7. Arrests ⁵	352	444	470	593	637
Intermediate Outcome	8. Orders to Show Cause	133	133	113	130	144
End Outcome	9. Letters of Admonition	337	328	286	311	311
	10. Criminal and Civil Fines (\$ 000) ⁶	\$8,662.0	\$9,890.0	\$9,835.3	\$12,402.3	\$13,382.9
	11. Convictions ⁸	271	240	253	319	344

<p>A. Definition of Terms or Explanation for Indicators:</p> <p>The statistics reported in the 1998 Congressional Budget submission may not match with those statistics reported above. This is due to differences in statistical definitions and reporting times.</p> <p>¹ FY 1998 Actual amount decreases due to decreased FTE allocations.</p> <p>² Criminal and Pre-registrant investigations increases are based on an anticipated 20 % increase in the Diversion workforce and the establishment of Diversion Program Manager positions.</p> <p>³ Trends: Export permits and declarations are expected to continue increasing fairly steadily, but are not expected to increase significantly unless a new drug is added to CSA Schedule II.</p> <p>⁴ The drop in the number of estimated registrations processed in FY 1998 is due to the cyclical nature of the program.</p> <p>⁵ Until the establishment of a budget for Drug Diversion, it was not necessary to keep separate statistics on Drug and Chemical Diversion work. Consequently, the Input Indicators, Criminal Investigations, Arrests, Seizures, Criminal and Civil fines include both Drug and Chemical Statistics. The remaining performance indicators reflected Drug Diversion Control only.</p>	
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Drug Enforcement Administration
Revenues of the Drug Diversion Control Fee Account

REGISTRATION FEES

DEA and its predecessor have collected fees pursuant to 21 U.S.C. Section 821 since 1971, which allows the Attorney General to collect fees relating to the registration and control of the manufacture, distribution and dispensing of controlled substances. In accordance with the Appropriations Act of 1993, these fees were increased by a factor of 3.5 to recover the entire cost of the program beginning in 1994.

DEA has established a fee cycle of three years to allow for an equitable distribution of fees across the entire registrant population (over 900,000), accommodate such factors as inflation, an uneven number of applicants in each of the individual years, and minimize the administrative burden associated with establishing a fee schedule. The three-year cycle impacts most of the registrant population. Inherent in the system is the need to establish reserves early in the cycle as a hedge against inflationary pressures and inconsistent annual fee income. Therefore, the fees collected in any given year may deviate measurably from the budget needs of the program for that year. (See Chart "Revenue Against Planned Obligations")

To collect the required \$57.1 million in FY 1994 the final fee structure was revised to 3.5 times the existing fee as follows:

(a) manufacturers.....	\$ 875 per annum
(b) distributors, importers, exporters....	\$ 438 per annum
(c) dispensers/practitioners.....	\$ 70 per annum *
(d) researcher.....	\$ 70 per annum
(e) chemical analysis.....	\$ 70 per annum
(f) narcotic treatment.....	\$ 70 per annum

* Also payable every three years as \$210

Most of the DEA registrants are practitioners and hospital/clinics. The annual impact of the fee increase on these activities is \$50.00 per registration year. The cost ratio that exists between the various types of registrations has remained the same since 1971. The Federal Register proposing the new fee structure to carry out the Justice and Related Agencies Appropriation Act, 1993, specifically noted that DEA would not alter this fee ratio since the administrative structure to collect it was well established and operating efficiently.

ACCOUNT BALANCE

For a variety of reasons there has been a growing balance of funds carried forward since FY 1993. First, actual collections exceeded original estimates. Contributing factors include: additional mid-level practitioner registrations; the fact that certain exemptions were lifted in 1994; and other population variables for which the program had no history. The collection projection on the chart "Revenue Against Planned Obligations" accounts for these changes.

Second, the program has had a considerable number of vacancies, the majority of which were intended to be filled by the end of FY 1996, however, this did not come to fruition. The funding for these positions carries forward until the positions are filled.

Finally, DEA and the Department of Justice were reluctant to alter, in any way, the basis on which the program costs were determined and fees established while the new fee structure was in its infancy. Funds were not reprogrammed to offset the unused payroll funds which would have decreased this account balance. This was due to the initial uncertainty of the program costs and annual receipts in this three-year collection cycle.

Drug Enforcement Administration
Drug Diversion Control Fee Account
Revenue Against Planned Obligations
(Dollars in thousands)

	FY 1993 ACTUAL	First Cycle			Second Cycle		
		FY 1994 ACTUAL	FY 1995 ACTUAL	FY 1996 ACTUAL	FY 1997 ACTUAL	FY 1998 ACTUAL	FY 1999 ACTUAL
1. Anticipated Collections	\$34,201	\$69,808	\$61,258	\$65,873	\$71,800	\$63,300	\$62,100
2. Planned Obligations							
A. Base Budget							
Pay							
Non-pay							
Total							
B. Program Enhancements							
1997 Congressional - Pay							
1997 Total Enhancements:							
1998 Spring Planning Est. - Pay							
1998 Spring Planning - non-Pay							
1998 Total Enhancements:							
C. Total Planned Obligations							
3. Prior Year Debilitations							
4. Fiscal Year Balance							
5. Cumulative Treasury Balance							

Notes:

- Anticipated Collections reflect all registration fees collected, including the \$15,000,000 scored in the General Treasury and Reimbursed to the DDCFA.
- Line 2C, Total Planned Obligations includes the \$15,000,000 scored in the DEA Statutes and Expenses Appropriation for the 1990 BEA for Drug Diversion Control activities. These funds are provided to the DDCFA via a reimbursable agreement until 1998. After 1998, the funds will be transferred each year to the DDCFA.
- Line 4 Fiscal Year Balance reflects the balance of the receipts less obligations each year.
- Outyear Collection estimates are currently being reviewed.

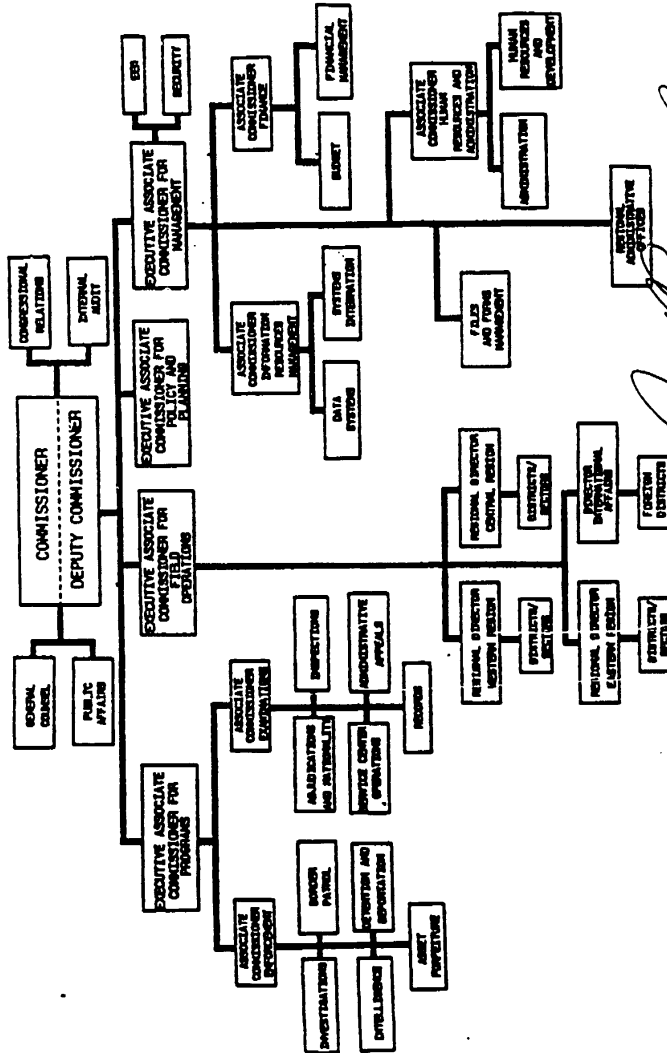
Drug Enforcement Administration
Drug Diversion Control Fee Account
Summary of Changes
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1997 as enacted	598	594	\$52,824
Increases:			
1998 pay raise	-	-	716
Annualization of 1997 pay raise	-	-	234
Annualization of 1997 Enhancements	-	-	336
General Pricing Level Adjustment	-	-	337
Total, Increases	598	594	1,623
1998 base	598	594	54,447
Program changes:			
Program increases	37	19	3,821
1998 request	635	613	58,268

**Department of Justice
Immigration and Naturalization Service
Salaries and Expenses
Estimates for Fiscal Year 1998
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IMMIGRATION AND NATURALIZATION SERVICE



Approved: *Janet Reno* Date: *January 4, 1994*
 JANET RENO
 Attorney General

Immigration and Naturalization Service

Salaries and Expenses
Summary Statement
Fiscal Year 1998

The Immigration and Naturalization Service (INS) is requesting a total of 16,470 permanent positions, 16,247 workyears, and \$1,651,463,000 in its Salaries and Expenses Appropriation. This request represents an increase of 25 positions, 1,076 workyears, and \$46,304,000 over the FY 97 appropriation of \$1,605,159,000.

The total program increases for FY 1998 are 37 permanent positions, 18 workyears, and \$3,086,000. The requested resources will be used to improve administrative infrastructure, which will enable INS' Information and Records Program to be compliant with the Electronic Freedom of Information Act Amendment of 1996 (EFOIA). This Act has several provisions which impact greatly on the operations of the FOIA/PA program at INS. The requested resources will allow INS to meet the mandates placed on them by the EFOIA, as well as continue with their current operational responsibilities.

The requested increases in the Salaries and Expenses Appropriation, combined with resources provided in the Violent Crime Reduction Programs and INS' Fee accounts, will enable INS to manage the nation's immigration system more effectively and implement its major initiatives. Within the Salaries and Expenses appropriation, only the Improving Professionalism initiative is requesting an enhancement. The requested increase in the Professionalism initiative follows.

Increasing Professionalism

The FY 1998 request includes 37 positions, 18 workyears, and \$3,086,000 to help INS meet the mandate set forth in the Electronic Freedom of Information Act Amendment of 1996. Sections 4, 7, and 8 will have the greatest impact on the FOIA/PA program at INS, and will require the additional resources requested.

INS is requesting 5 positions, 2 workyears, and \$274,000 to comply with Section 4 of EFOIA, which is the Electronic Reading Room. This section requires that INS create a computer based, as well as a records based, environment for public access. The requested

resources will ensure that INS is able to comply with this section of the EFOIA by either placing workstations in each district office allowing public access, or, with the Department of Justice's approval, make records available on the Internet.

INS is also requesting 32 positions, 16 workyears, and \$2,812,000 in order to comply with Section 7 of the EFOIA, which requires timely responses to requests for information. The FOIA/PA staff currently consists of 135 employees. They are processing 90,000 incoming requests for information each year, which is expected to increase by 10-15% annually, and dealing with a backlog of 15,000 cases. The requested resources will allow INS to comply with this section of the EFOIA, which mandates that responses are answered within 20 days and that the backlogs are eliminated.

Immigration and Naturalization Service
Salaries and expenses
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of the Attorney General; purchase for police type use (not to exceed \$2,691) of which 2,574 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; [and] research related to immigration enforcement. A

and for the care and housing of Federal detainees held in the joint INS and United States Marshall Service's Buffalo Detention Facility:

\$1,651,463,000

shall remain available until expended; and of which not to exceed \$1,590,159,000) A, of which not to exceed \$400,000 for research and of which not to exceed \$5,000,000 is to fund or reimburse other Federal agencies for the training program for basic officer training, and] \$5,000,000 is for costs associated with the care, maintenance, and repatriation of smuggled illegal aliens. Provided, That the Attorney General may reallocate to the INS training program from other payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; A officer basic training.

Provided further, That none of the funds available to the [Immigration and Naturalization Service] A, shall be available to pay any employee overtime pay in an amount in excess of \$10,000 during the calendar year beginning January 1, [1997] A. Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year. Provided further, That not to exceed \$51,000) A, shall be available for official reception and representation expenses [; Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and

Temecula checkpoints unless the checkpoints are open and traffic

is being checked on a continuous 24-hour basis. Provided further, That the Land Border Free Pilot Project scheduled to end September 30, 1996, is extended to September 30, 1999, for projects on both the northern and southern borders of the United States, except that no pilot program may implement a universal land border crossing toll. Provided further, That obligated and unobligated balances available to "Salaries and Expenses, Community Relations Service" under section 501(c) of the Refugee Education Assistance Act of 1980 are transferred to this account and shall remain available until expended. Provided further, That not to exceed 48 permanent positions and 48 full-time equivalent workyears and \$4,628,000 shall be expended for the Office of Legislative Affairs and Public Affairs. Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

[For an additional amount to support the detention and removal of aliens with ties to terrorist organizations and expand the detention and removal of illegal aliens and enhance the intelligence of the Immigration and Naturalization Service, \$15,000,000 of which \$10,000,000 shall be for detention and removal of aliens. Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.]

(Department of Justice Appropriations Act, 1997.)

Explanation of Changes:

1. This change authorizes the Immigration and Naturalization Service (INS) to support the detention of aliens at the joint INS and United States Marshals Service facility near Buffalo, New York, which otherwise would not be authorized due to current statutory provisions regarding the use of INS resources for detention of aliens.
2. This change will provide INS with the necessary authority, operational flexibility and sufficient level of funding to address its responsibilities, in coordination with other Federal agencies, for the care, maintenance and repatriation of smuggled illegal aliens.
3. This change will allow the INS Training program to incur direct costs associated with the training of officers from other INS programs, eliminating the need for routine one-year reprogrammings for the basic training of new officer corps personnel.
4. This change will allow the Commissioner to waive the \$30,000 per calendar year overtime pay cap during extraordinary circumstances, thereby enabling assignment of all needed officer corps personnel to any arising emergency. In the event of an emergency, such as a sudden mass immigration, the overtime cap could be a critical barrier to scheduling the needed officer corps personnel to handle the situation.
5. This change will increase the amount of funding available to be used by INS for official reception and representation expenses to \$20,000. This increase is comparable to amounts available to other Federal law enforcement agencies and is necessary in view of the growth INS has experienced and its interactions with other agencies and foreign governments.

Immigration and Naturalization Service
Salaries and expenses
Crosswalk of 1997 Changes
(Dollars in thousands)

Activity / Program	1997 President's Request		Reprogrammings		Congressional		1997 Appropriation	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
Enforcement								
Inspections	1,542	1,780	4	3			1,538	1,777
Border Patrol	7,193	8,434	-10	-8			7,383	8,508
Investigations	2,734	2,234	-5	-2	200	80	2,652	2,195
Detention & Deportation	2,303	2,177	-8	-8	-77	-37	2,274	2,157
Intelligence	77	87	2	87	-23	-12	78	70
Subtotal	13,849	12,692	-25	-19	101	32	13,925	12,705
Citizenship & Benefits								
Adjudications & Naturalization	41	19						
International Affairs	41	19						
Subtotal	82	38						
Immigration Support								
Training	78	72						
Data & Comm. Systems	171	152						
Information & Records Mgmt.	684	603						
Const. & Engineering	13	12						
Legal Proceedings	828	518						
Subtotal	1,574	1,357						
Program Direction								
Management & Administration	1,103	1,083	26	20				
Total, Salaries and Expenses	16,567	15,151						

Congressional Appropriation Action on the FY 1997 Budget The Congress approved an increase of 1,456 positions, 613 workyears, and \$176,363,000 for the S&E account. This was 122 positions, 84 workyears, and \$34,780,000 below the request level.

Base Reduction Congressional Action included base reductions totaling \$43,975,000 to offset the carryover authority allowed from FY 1996.

Transfers from the S&E account The Congress approved a base transfer of \$48,011,000 in funding for the Detention and Deportation program from the S&E appropriation to the Violent Crime Reduction Programs appropriation.

Reprogramming The reprogramming of resources reflect the permanent effects of the May 23, 1996, August 8, 1996, and the December 23, 1996 reprogramming notifications. In the narratives accompanying the notifications, it was stated that portions of the reprogrammings were of a permanent nature and would carry into 1997.

Immigration and Naturalization Service
 Fiscal Year 1998
 Summary of Resources by Program
 (Dollars in thousands)

Estimates by Program	1998 As Enacted			1998 Actual			1997 Appropriation			1998 Base			1998 Estimate			Increase/Decrease	
	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY
Enforcement																	
Border Patrol	1,393	1,553	\$150,617	1,393	1,393	\$118,072	1,538	1,777	\$150,864	1,538	1,654	\$157,407	1,538	1,658	\$157,407		
Investigations	6,361	3,534	493,768	6,357	1,781	183,563	2,652	2,195	225,809	2,652	2,484	244,386	2,652	2,484	244,386		
Immigration and Deportation	2,991	1,660	257,113	2,991	1,781	183,563	2,652	2,195	225,809	2,652	2,484	244,386	2,652	2,484	244,386		
Intelligence	2,438	1,964	295,108	2,438	1,878	264,852	2,274	2,157	277,635	2,274	2,179	250,910	2,274	2,179	250,910		
Subtotal	12,869	10,934	1,293,283	12,869	10,642	1,051,947	13,923	12,705	1,253,194	13,926	13,329	1,312,346	13,926	13,329	1,312,346		
Citizenship & Benefits																	
Administrative Support	500																
International Affairs	27	12	8,889	27	11	4,826	41	19	7,731	41	38	10,335	41	38	10,335		
Subtotal	27	12	8,889	27	11	4,826	41	19	7,731	41	38	10,335	41	38	10,335		
Immigration Support																	
Training	75	73	29,079	75	77	25,035	78	72	14,677	78	77	15,107	78	77	15,107		
Legal and Communications Systems	180	171	56,533	180	176	55,987	157	144	66,657	157	154	68,650	157	154	68,650		
Information Management Systems	16	15	15,126	16	15	15,126	15	14	14,658	15	14	14,658	15	14	14,658		
Construction and Engineering	13	12	10,566	13	12	10,566	11	10	9,250	11	10	9,250	11	10	9,250		
Legal Proceedings	513	440	39,456	513	425	41,776	518	468	44,934	518	512	45,942	518	512	45,942		
Subtotal	1,547	1,391	190,730	1,547	1,401	136,179	1,377	1,263	189,405	1,364	1,360	186,655	1,401	1,366	189,741		
Program Direction																	
Management and Administration	981	1,018	103,843	981	1,035	104,342	1,102	1,080	114,829	1,102	1,196	118,483	1,102	1,196	118,483		
Total	15,424	13,355	1,794,825	15,424	13,089	1,359,568	16,445	15,067	1,605,159	16,433	16,125	1,648,377	16,470	16,143	1,651,483		
Reimbursable Workyears																	
Total Workyears	7,570			7,539			8,139			8,229			8,374			104	
Other Workyears	20,925			20,626			21,726			22,154			22,517			122	
Other Workyears																	
Holiday	140			138			154			169			170			1	
Gravestone																	
Other	1,399			1,399			1,409			1,530			1,530				
Subtotal	1,026			1,026			1,042			1,169			1,169				
Total compensable workyears	23,490			23,191			24,159			24,513			24,687			123	

Immigration and Naturalization Service
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

	1996 Actual			1997 Appropriation Anticipated			1998 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Collections, Judgements, Savings.												
Immigration User Fee			\$317,470			\$377,399			\$415,298			\$41,897
Immigration Examinations Fee			521,884			624,785			646,918			22,131
Immigration Support			1,144			1,144			1,144			-
Land Border Inspections Fee			937			11,054			8,898			-2,156
Breached Bond/Detention Fund			10,022			80,213			104,471			24,258
Immigration Enforcement			10,030			11,700			3,800			-7,900
Organized Crime Drug Enforcement			3,099			10,030			10,350			320
Assets Forfeiture Fund			2,281			3,442			3,500			58
Enforcement Fees			886,567			1,170,516			1,198,400			27,884
Budgetary Resources												
Estimates by Program												
Immigration User Fee	2,852	2,700	\$255,062			\$267,315,624	3,306	3,198	\$348,678	286	569	33,054
Immigration Enforcement	164	142	47,260	164	148	47,333	165	162	52,940	1	14	5,607
Immigration Support	167	159	15,148	167	165	14,442	178	181	17,678	11	16	3,236
Program Direction	3,183	3,001	317,470	3,351	2,940	377,399	3,649	3,539	419,298	298	599	41,897
Total												
Immigration Examinations	536	335	21,906	536	422	38,744	535	510	39,687	-1	88	943
Enforcement	3,059	3,064	331,261	3,625	3,765	371,686	3,669	4,014	352,440	44	249	-19,246
Citizenship and Benefits	1,006	879	156,077	777	651	201,932	785	920	235,704	8	269	33,772
Immigration Support	122	100	12,440	130	95	12,423	150	135	19,985	20	40	8,662
Program Direction	4,723	4,378	521,664	5,068	4,533	624,785	5,139	5,579	646,918	71	646	22,131
Total												
Immigration Legalization	50	22	1,163	50	21	1,579	21	18	1,027	-29	-3	-552
Citizenship and Benefits	3	4	281	5	4	314	4	3	232	-1	-1	-82
Immigration Support	35	26	1,444	55	25	1,893	23	21	1,259	-30	-4	-434
Total												
Land Border Inspections Fee	67	18	937	79	98	11,054	79	91	5,288	-7	-7	-5,766
Immigration Enforcement									3,600			3,600
Immigration Support												
Program Direction	67	18	937	79	98	11,054	79	91	8,868	-7	-7	-2,166
Total												
Breached Bond/Detention Fund	32		7,275	32	23	75,898	32	23	100,156			24,158
Immigration Enforcement	4	3	353	4	4	393	4	4	404			11
Immigration Support	12	10	2,394	12	12	3,822	12	13	3,911			89
Program Direction	48	13	10,022	48	39	80,213	48	40	104,471	1	1	24,258
Total												
Immigration Enforcement									3,600			-7,900
Immigration Support												
Program Direction												
Organized Crime Drug Enforcement	102	102	10,030	102	102	10,030	102	102	10,350			320
Immigration Enforcement												
Assets Forfeiture Fund			3,099			3,442			3,500			58
Enforcement Fees			2,281									

**Immigration and Naturalization Service
Salaries and Expenses
Program Performance Information**

Mission: The Immigration and Naturalization Service (INS):

- 1) facilitates entry of those legally admissible as visitors or immigrants and grants them benefits to which they are entitled;
- 2) prevents improper entry and the granting of benefits to those not legally entitled to them;
- 3) apprehends and removes those aliens who enter illegally and/or whose stay is not in the public interest; and
- 4) enforces sanctions against those who act or conspire to subvert the requirements for selective and controlled entry, including sanctions against employers who knowingly hire aliens not authorized to work in the United States.

General Goals:

- 1) **Border Control and Facilitation**
The INS will regulate entry to the United States in a manner that facilitates lawful travel and commerce while ensuring border integrity.
- 2) **Integrated Enforcement**
The INS will have a balanced, integrated enforcement approach to expedite identification, apprehension, and removal of illegal aliens.
- 3) **Disincentives for Unlawful Migration**
The INS will maximize deterrents to unlawful migration by reducing the incentives of unauthorized employment and entitlements and use of fraudulent documentation.

- 4) **INS Benefits and Service**
The INS will deliver services in a manner which shows that it highly values the public. Services will be timely, consistent, fair, and of high quality.
- 5) **Effective Workforce**
The INS will develop a motivated, well-trained, and diverse workforce.
- 6) **Resource Management**
The INS will manage resources to accomplish its mission effectively, using results-oriented workload and productivity measures.
- 7) **Policy Leadership**
The INS will develop and maintain a leadership role with respect to policy decisions on migration issues.
- 8) **Application of Technology**
The INS will use ADP and other emerging technologies to support an efficient, effective, and integrated operational environment.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Inspections			
1997 Availability	1,538	1,777	\$150,864
1998 Base	1,539	1,658	157,407
1998 Estimate	1,539	1,658	157,407
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The Inspections program includes the resources necessary to ensure that the entry of applicants for admission into the U.S. is controlled in a manner that is consistent with the national interest, facilitates the entry of qualified applicants and identifies and denies admission to those not qualified.

- This program enforces and administers the immigration and nationality laws with respect to the inspection of all persons seeking admission into the U.S. The process is coordinated with the Department of State, the U.S. Customs Service, the Department of Agriculture, and local port authorities. Determination of inadmissibility is based on examination of the applicant, related documents, and/or prior information. National and local lookout systems containing information relating to excludable aliens are available for use at each port-of-entry. Inadmissible aliens are denied entry into the U.S. Any criminal activity discovered in the inspection process is referred to the appropriate law enforcement authority for investigation.
- The program also is responsible for inspecting (in cooperation with other Federal agencies) all applicants for admission into the U.S. at land border ports-of-entry, preventing the entry of inadmissible applicants, and for detecting fraudulent documents, including those representing false claims to U.S. citizenship or permanent residence status, and seize conveyances used for illegal entry. (Funding for inspections at air and sea ports-of-entry is provided in the Immigration User Fee account)

ACTIVITY: ENFORCEMENT

	Perm. Pos.	EYE	Amount
Border Patrol			
1997 Availability	7,383	6,506	\$630,560
1998 Base	7,383	7,112	670,427
1998 Estimate	7,383	7,112	670,427
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION

- The Border Patrol is responsible for ensuring that the entry of persons into the U.S. between ports-of-entry is controlled in a manner that is consistent with the national interest as established and provided by Congress, by preventing entry of persons who have not been inspected, and by detecting and apprehending illegal aliens within the U.S.
- Border Patrol agents deter uncontrolled entry into the interior of the U.S. by: the rapid detection, interception, and apprehension of illegal entrants at or near the border; interdicting or deterring illegal aliens, drug smugglers, potential terrorists and criminals from attempting illegal entry between ports-of-entry; and causing persons seeking admission into the United States to present themselves at designated ports for inspection.

- Border Patrol officers engaged in surveillance activities to prevent entry or apprehend those who have illegally crossed the borders are supported by computer-monitored electronic ground sensors which alert them to illegal entries. Additional support is provided by observation aircraft, low light level television systems and infrared viewing devices. Border Patrol officers use a wide assortment of vehicles adapted to local terrain and operational requirements, including motorcycles, all-terrain vehicles, boats, and horses. Line-watch traffic check operations are conducted along major routes of travel to restrict access to the interior by illegal aliens. Transportation centers are placed under surveillance for the same reason.
- The Border Patrol has primary responsibility for drug interdiction between the land ports-of-entry. The Border Patrol participates in numerous interagency drug task force operations with other Federal, State and local law enforcement agencies through its participation in Operation Alliance along the Southern Border. To further assist the Border Patrol in this endeavor, all Border Patrol agents receive Drug Enforcement Administration Title 21 cross-designated authority in their basic training in Glynnco, Georgia.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Investigations			
1997 Availability	2,652	2,195	\$225,809
1998 Base	2,652	2,484	244,306
1998 Estimate	2,652	2,484	244,306
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- Generally, the functions of the Investigations program include the detection of criminal law violations and the identification of violators, through undercover operations and traditional investigative procedures, and to initiate criminal prosecution and/or administrative action. Many cases investigated involve violators associated with large-scale, organized criminal conspiracies. Quite often, these criminal alien organizations are simultaneously engaged in other illegal activities such as racketeering, alien smuggling, immigration benefit fraud, counterfeiting, prostitution, official corruption, extortion, narcotics and weapons

- trafficking on a national or international scale. Special Agents identify these organizations through interviews, informant surveillance, and through undercover and task force operations. Investigative task force operations include a combination of resources from several offices and agencies.
- More specifically, this program is responsible for: investigating and apprehending aliens who commit major criminal offenses, with emphasis on international criminal organizations involved in narcotics trafficking, subversion, terrorism, alien smuggling, and other serious or violent criminal activities; prosecuting aliens who illegally apply for and collect benefits from government entitlement programs; preventing the filing of fraudulent claims and supporting civil proceedings to recover benefits illegally obtained; providing investigative support to other INS branches by locating aliens who have absconded from deportation or exclusion proceedings; developing grounds for denial of petitions and applications, and obtaining government evidence for administrative proceedings.
- Violent Gang and Drug-Related Activity:** The INS is focusing its efforts on violent criminal alien gangs in designated cities where INS Special Agents, in coordination with other law enforcement officials, seek to identify, apprehend, convict, and remove from the country alien members of these criminal groups and ultimately dismantle their organizations. The Investigations program will continue its commitments to the Interagency Crime and Drug Enforcement appropriation, (previously known as the Organized Crime Drug Enforcement appropriation) and Violent Gang Task Force (VGTFF) efforts and work in coordination with other Federal, State and local law enforcement agencies.
- Criminal Aliens:** The Immigration Reform and Control Act of 1986 and other statutes mandate expeditious identification and processing of aliens convicted of deportable offenses. To accomplish this, the Service has established the Institutional Hearing Program (IHP). The IHP, a cooperative effort of the INS, Executive Office for Immigration Review (EOIR) and correctional agencies, enables the INS and EOIR to identify criminal aliens within State, local and Federal correctional facilities who are eligible for deportation once they have served their sentences, and institute deportation proceedings while they are still serving their sentences. By virtue of the fact that the process makes possible the immediate deportation of aliens upon completion of their prison sentences, significant cost avoidance is achieved, as compared to previous methods, which required the Service to detain those aliens who had been released from prison while in deportation hearings, at considerable government expense.
- Fraud and Smuggling:** These resources are focused on one of the basic enforcement priorities of the INS: detection and deterrence of fraud and smuggling. The principal goal is to discourage illegal immigration through fraud. In an effort to accomplish this goal, the INS is aggressively targeting complex criminal organizations involved in immigration benefit fraud. This includes the actions of aliens who participate in immigration benefit fraud and/or the actions of organized "preparers or

facilitators" who submit thousands of fraudulent applications on behalf of aliens who are ineligible for such status. Smuggling cases typically involve the investigation of major international alien smuggling and criminal organizations. Many smuggling cases have shown extensive networks used to move aliens via the use of fraudulent documents and circuitous routes to reach this country.

- **Employer Sanctions:** The Employer Sanctions program enforces the Employer Sanctions provisions of IRCA, which require employers to hire only U.S. citizens or authorized aliens and verify employment eligibility. The program enforces civil and criminal penalties against employers who violate these provisions. INS officers investigate employers, inspect eligibility verification, determine nature and degree of compliance and remove unauthorized aliens from the worksite. The resources for Employer Sanctions are primarily directed to lead-driven investigations and deterring employment of unauthorized aliens by targeting employers involved in illegal employment practices

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Detention and Deportation			
1997 Availability	2,274	2,157	\$277,835
1998 Base	2,274	2,179	250,910
1998 Estimate	2,274	2,179	250,910
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The Detention and Deportation (D&D) program is a critical element in the structure of the INS. Its functions are to detain, exclude, remove, parole and deport aliens. INS utilizes Service Processing Centers (SPCs), contract facilities, Joint INS/BOP Federal Facilities, and State/local facilities to detain those aliens subject to deportation or exclusion proceedings who are likely to abscond, or whose freedom at-large would clearly represent a danger to public safety and security until they are ready for removal. To perform the deportation function, the INS maintains a system of controls that ensure that a case involving a deportable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly.

facilitators" who submit thousands of fraudulent applications on behalf of aliens who are ineligible for such status. Smuggling cases typically involve the investigation of major international alien smuggling and criminal organizations. Many smuggling cases have shown extensive networks used to move aliens via the use of fraudulent documents and circuitous routes to reach this country.

- **Employer Sanctions:** The Employer Sanctions program enforces the Employer Sanctions provisions of IRCA, which require employers to hire only U.S. citizens or authorized aliens and verify employment eligibility. The program enforces civil and criminal penalties against employers who violate these provisions. INS officers investigate employers, inspect eligibility verification, determine nature and degree of compliance and remove unauthorized aliens from the worksite. The resources for Employer Sanctions are primarily directed to lead-driven investigations and deterring employment of unauthorized aliens by targeting employers involved in illegal employment practices.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Detention and Deportation			
1997 Availability	2,274	2,157	\$277,835
1998 Base	2,274	2,179	\$50,910
1998 Estimate	2,274	2,179	\$50,910
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The Detention and Deportation (D&D) program is a critical element in the structure of the INS. Its functions are to detain, exclude, remove, parole and deport aliens. INS utilizes Service Processing Centers (SPCs), contract facilities, Joint INS/DOJ Federal Facilities, and State/local facilities to detain those aliens subject to deportation or exclusion proceedings who are likely to abscond, or whose freedom at-large would clearly represent a danger to public safety and security until they are ready for removal. To perform the deportation function, the INS maintains a system of controls that ensure that a case involving a deportable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly.

- The D&D program removes deportable and excludable aliens and avoids detention to the greatest extent possible. The D&D program: (1) tracks the cases through the IIRP; (2) updates the necessary data bases; (3) provides case status updates to inmates and their attorneys; (4) obtains required travel documents; (5) makes the necessary travel arrangements, including notification to foreign governments; (6) executes the warrants of deportation; and (7) physically removes criminal aliens from the country (including providing overseas escorts, when necessary, to protect the traveling public or to ensure the criminal's arrival at the intended destination).
- The D&D program ensures that adequate alien detention capability is available by staffing and maintaining nine Service Processing Centers (SPCs), and detaining aliens, in six INS contract facilities, two joint INS/BOP Federal facilities, and State/local facilities, which meet INS standards.
- The D&D program allows other enforcement programs to operate effectively by detaining and removing aliens. Abscondee Removal Teams further support efforts to remove aliens with final orders of deportation and to locate and remove absconders.
- The Administration's policy is to interdict smuggled illegal aliens at sea prior to entry into our Nation's territorial waters. Over the past few years, INS working with the Departments of Defense and State and the U.S. Coast Guard have cooperated on numerous operations that have resulted in the swift interdiction and repatriation of hundreds of aliens attempting to be smuggled into this country illegally. In 1995, the President allocated \$6 million from the Immigration Emergency Fund (IIEF) to support this effort. Most of these funds have been obligated to support these earlier operations. The budget proposes to authorize the use of appropriated funds, up to a proscribed limit, to fund INS' responsibilities for the care, maintenance and repatriation of smuggled aliens. The budget provides \$5 million to fund independently or through reimbursements to other Federal agencies INS' costs associated with the return of smuggled aliens to their home country.

ACTIVITY: ENFORCEMENT

Intelligence	Perm.		FTE		Amount
	Pos.				
1997 Availability	78	70	70		\$8,126
1998 Base	78	76	76		9,296
1998 Estimate	78	76	76		9,296
Increase/Decrease	...	...	...		...

BASE PROGRAM DESCRIPTION:

- The Intelligence program provides strategic and tactical intelligence support to INS offices enforcing the provisions of the Immigration and Nationality Act (INA), and assists other Federal agencies in addressing national security issues. Intelligence program activities contribute support to: prevent the entry of illegal aliens, terrorists and narcotics traffickers; detect fraudulent documents, alien smuggling, false claims to citizenship; and to detect other fraudulent activity.
- The Intelligence program provides strategic intelligence assessments to INS management that have long-term importance/relevance to the mission of the agency in terms of operations, planning and policy.
- The Intelligence program maintains liaison with appropriate U.S. and foreign government agencies on immigration and national security matters, including the movement of known or suspected international terrorists.
- The Intelligence program provides assistance to international law enforcement agencies and international air carriers to detect fraudulent identity documents.
- The Intelligence program provides technical support and assistance to prosecute major document counterfeiters, alien smugglers and other violators of the INA.
- Forensic Document Laboratory: The Forensic Document Laboratory (FDL) is used to identify fraudulent documents and to assist in identifying and removing illegal aliens from the country. This support also includes training State and local law enforcement officers, department of motor vehicles and other State and local authorities in the identification of fraudulent documents.

ACTIVITY: CITIZENSHIP AND BENEFIT

	Perm.		
	Pos.	FTE	Amount
Adjudications and Naturalization			
1997 Availability
1998 Base	\$500
1998 Estimate	500
Increase/Decrease

BASE PROGRAM DESCRIPTION:

- The Adjudications and Naturalization program examines aliens to determine their qualifications for naturalization, issues citizenship documents, provides for the appearances of INS officials before naturalization courts, and conducts administrative naturalization ceremonies. The majority of this program's resources are funded in the Examinations Fee Account.
- A naturalization pilot project was developed in urban and rural areas of Southern California, and is funded in this appropriation, allowing the INS to encourage and promote naturalization through public education programs, with community-based organizations, ethnic group networks, and educational institutions assisting qualified persons in preparation of applications and in studying for civics and language tests. The INS will also use information gained in these efforts to streamline the naturalization process.

ACTIVITY: CITIZENSHIP AND BENEFIT

	Perm. Pos.	FTE	Amount
International Affairs			
1997 Availability	41	19	\$7,731
1998 Base	41	38	10,393
1998 Estimate	41	38	10,393
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- Enforcement Activities: In coordination with the Department of State, the U.S. Coast Guard, and components of the Department of Justice, the Office of International Affairs actively participates in working with foreign governments to monitor the movement of groups being smuggled into the U.S.

- The placement of INS staff overseas allows the INS to establish and maintain an effective long-term working relationship with host country migration authorities, consular officers, and enforcement organizations. This relationship, coupled with a working knowledge of cultural, social and economic conditions in the area, enables officers to gather intelligence information and coordinate enforcement operations, which have a significant positive impact on INS domestic operations.
- INS Overseas personnel, through coordination with domestic INS offices, Border Patrol Sectors, other U.S. Government agencies, host country governments, airline officials, and other non-government entities, will pursue a proactive international enforcement strategy to identify, investigate, deter, disrupt and reduce illegal activities at their source, and at key overseas transit locations used by smugglers and mala fide aliens bound for the U.S.
- The Refugee Act of 1980 created a statutory basis for asylum in the United States and made withholding of deportation of those who qualify for mandatory rather than discretionary asylum. While Congress, in passing the Act, established a statutory definition of "refugee", it did not legislate a specific method by which claims for asylum or withholding of deportation were to be adjudicated. Instead, the Congress directed that the Attorney General establish the necessary procedures for such adjudication. Interim regulations published in June 1980 remained in effect until superseded by new asylum regulations published as a final rule, which became effective October 1, 1990.
- In 1993, the Department of Justice (DOJ) completed a study of the asylum system and convened a working group comprised of staff from several INS and DOJ divisions, EOIR, and members of non-governmental organizations to discuss reform of the asylum processing system. Streamlining procedures to increase productivity and eliminate frivolous or abusive claims were two primary goals of the reform process. The working group identified several major changes, which were then implemented by making procedural, policy, and regulatory revisions. A final rule which contains all of the asylum reform changes was published in December 1994 and became effective in January 1995. The revised procedures streamline the process so that asylum applicants who are interviewed receive final decisions on their claims within 180 days of the filing of their applications (including asylum processing by INS and EOIR Immigration Judges). Due to requirements in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the Asylum Corps will be required to perform a new expedited exclusion procedure beginning on April 1, 1997. The Asylum Corps will perform pre-screening of certain asylum seekers at ports of entry as required under this new law. Those asylum seekers who meet the credible fear threshold will be able to pursue their claims with an Immigration Judge while those who do not meet credible fear will be ordered excluded.
- The Resource Information Center (RIC) is a major component of the Asylum Program. Its mission is to provide asylum officers and refugee adjudicators with credible perspectives on human rights conditions in refugee-producing countries.

Several information products (both electronic and printed) are developed each year. Research covers the top twenty refugee-producing countries of interest to the United States. A joint effort involving the RIC, the Canadian Government Documentation Center (DIRB), and the United Nations High Commissioner for Refugees (UNHCR), has resulted in a CD-ROM product covering country-of-origin and legal data bases, and is now in use at all Asylum Offices. In FY 1997, a secure pilot Internet Web Site is being developed to promote exchange of asylum-related information between participating governments.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Training			
1997 Availability	78	72	\$14,677
1998 Base	78	77	15,107
1998 Estimate	78	77	15,107
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- The Training program provides the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of the INS workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organizational needs. The program operates in a variety of ways: through residential training at the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia (basic officer training) and at Artesia, New Mexico (Journeyman officer training); through programs conducted by other Federal agencies; by private contractors; or in combined presentations using INS and non-INS resources.
- INS activated a satellite training facility at Charleston Naval Base, South Carolina in April 1996. Beginning in August 1996, the Charleston facility has been used exclusively for Border Patrol training. Four Border Patrol classes are to be conducted at the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia in FY 1997. All other INS officer training, both basic and journeyman, will be conducted at one of the FLETC facilities at Glynco, Georgia, or Artesia, New Mexico, or will be provided via exportable modules at students' duty stations.

- The Training program ensures basic training for all new officers and advanced and technical training for journeyman officers, and periodically updates curricula for the basic and advanced training programs
- The Training program provides mandatory training for INS supervisors, managers, management officials and executives, and provides progressive technical and specialized training for professional, technical, and clerical personnel who support agency operations.
- New training technology will afford the INS an opportunity to provide continuous training for all INS employees at or near their duty station, reducing travel costs, and internal and external costs that come with having to train off-site. While certain requirements such as basic training, firearms and driver training, and other courses involving group interaction and practical exercises, may justify a group/residential learning environment, many learning objectives can be addressed by distributed learning packages utilizing video cassettes, workbooks, training pamphlets, and computer-based instruction and, in certain instances, video conferencing. This training can be learner-based, self-paced, ongoing, and reusable. Distributed learning technology allows for disseminating information, increasing certain skills, increasing abilities to get the job done, and change attitudes.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Data and Communications			
1997 Availability	157	144	\$66,857
1998 Base	157	154	68,650
1998 Estimate	157	154	68,650
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- The Data and Communications program provides direct support for operational programs as well as administrative support functions of the Service. There are seven major technology programs included under the Data and Communications Program plus the functions collectively known as Information Resources Management (IRM) Operations. The seven program areas, each of which consist of one or more projects in addition to the normal operations and maintenance required for existing

systems and technologies, are: 1) Infrastructure 2) Examination Systems, 3) Inspection Systems, 4) Biometric Identification Systems, 5) Corporate Information Systems, 6) Management Systems (financial and administrative), and 7) Enforcement Systems. IRM Operations includes the functions necessary to support the activities of the Data and Communications Program. Through development and implementation of these initiatives, the Service will improve the effectiveness and efficiency of Service functions through use of automation, provide for the operation of data and communications networks, and provide radio communications, telephone call handling, intrusion detection sensors, and electronic security equipment and systems. INS automation efforts are designed to directly support efforts to control the borders of the United States, reduce incentives for unauthorized employment and benefits, and remove criminal and non-criminal aliens. In FY 1998, INS will complete the development and deployment activities initiated in FY 1995 through FY 1997 and provide the necessary operations and maintenance services to ensure the effective and efficient operation of the installed base of technology systems. The INS will continue to place an emphasis and priority on its role as a repository of the Nation's records on immigrants, visitors, and illegal entrants, as well as on meeting the customer needs for enhanced technology services and information. A brief description of each of the six major automation programs follows.

- Infrastructure** - The IRM Infrastructure Program provides standard office automation hardware and software to support improved communications and interoperability between INS sites. Through the use of these products, the INS workforce will effectively and efficiently communicate, share data, and provide professional products and services that support customer requirements. The Infrastructure Program encompasses three significant IRM activities. The first and most significant of these activities is Infrastructure Deployment in which the primary goal is to equip each INS office with standard integrated sets of office automation hardware, software, and LAN configurations, along with the WAN and telecommunications backbone through which remote and centralized systems and the corporate database are accessed. The second activity, Infrastructure Support, encompasses the full range of ongoing services to support the technology and systems architecture. Included are hardware maintenance, Facilities Operations Support (FOS), help desk operations, training, and data communications. Hardware maintenance provides the necessary services to ensure ADP equipment is maintained in operating order consistent with manufacturer specifications. The FOS contract provides on-site user support to INS facilities throughout the United States. FOS also provides INS help desk operational support and computer operations and production control services for Headquarters. Training includes training in the use of the office automation hardware and software, and computer network training to the field to support the modernized computers systems that have been and continue to be installed at the INS field offices. Data Communications provides data communication circuits that allow operational users to access INS centralized ADP systems from offices world wide. The third activity is the Video Teleconferencing (VTC) initiative in support of the Service's Institutional Hearing Program (IHP). The VTC provides for audio and video connectivity between distant INS locations to support INS hearings and legal proceedings.

- By the end of FY 1996, standard office automation hardware and software from the Infrastructure Deployment Project was installed at 238 sites (37 percent of the original 641 planned sites). In FY 1997, INS expects to install the standard infrastructure at an additional 213 sites (approximately 33 percent of the 641 planned sites). In FY 1998, INS expects to install the standard infrastructure at the remaining 190 planned sites (approximately 30 percent of the original 641 planned sites) plus an additional 109 facilities that have been established to accommodate INS workforce growth since the inception of the Infrastructure Deployment Project. In FY 1998, IRM will also provide continued hardware and software maintenance, upgrade software licenses and system components as required, and provide on-site user support to address site specific needs for operations and maintenance services.
- **Examination Systems** - The Examination Systems Program provides for an integrated set of functions that incorporate all individual casework-oriented subsystems used to support the processing of applications and petitions for immigration benefits and associated processes such as the production of immigration documents. These functions and processes include employment authorization, asylum, resident alien processing, and citizenship application and processing for naturalization. In FY 1998, INS will provide services to operate and maintain the Examinations information technology systems developed and deployed in FYs 1995 through 1997. Such services include: making corrections to existing software to eliminate functional errors, failures, and deficiencies which could affect operational performance; modifications in response to legislative and/or policy changes; the costs for maintaining and upgrading licenses to existing application-specific software; and the costs for maintaining validation and verification capabilities that can be used to test application systems before they are deployed and placed into operation.
- **Inspection Systems** - The Inspections System Program supports efforts to control admissions at ports-of-entry and enhance the INS inspection function. Three major automation efforts included under this program are the Interagency Border Inspection System (IBIS), the INS Passenger Accelerated Services System (INSPASS), and the Dedicated Commuter Lane (DCL). IBIS, a system operated jointly with the U.S. Customs Service and Departments of State and Agriculture, is used at ports-of-entry to facilitate inspection and to identify criminals. IBIS is currently installed at major air and land border ports-of-entry. INSPASS is an automated inspection system for low-risk, frequent travelers using automated inspection kiosks. This system is currently installed at several of the Nation's major international airports. DCL allows border crossers, already inspected by INS, to use automated verification instead of manual inspection. This program will develop and deploy machine readable travel documents, which will allow for positive identification of air travelers destined for the United States.

A combination of technology and advanced production techniques will produce entry documents that are fraud resistant and easy to use. Profile scanning and a sophisticated worldwide law enforcement network will quickly and accurately identify persons of interest. Smart card technology with positive identification features will facilitate the quick and accurate inspection of low-risk, frequent land travelers. Technology will allow for improved service to the public while increasing the number of inspection hours devoted to high-risk activities.

In FY 1998, INS will provide services to operate and maintain the Inspections information technology systems developed and deployed in Fiscal Year 1995 through 1997.

- **Biometric Identification Systems** - The INS is developing a single fingerprint-based identification system that will enable the Service to rapidly and accurately identify persons of interest. IDENT is the current INS fingerprint-based identification subsystem that is and will be used by Service law enforcement and benefit systems to assist in the positive identification of persons who are arrested, as well as those who apply for benefits, including the identification of travelers referred to secondary inspection processing and for automated inspection.

During FY 1996, the INS began deployment of IDENT across the Southwest border. In FY 1997, INS expects to pursue implementation of this technology to expand the IDENT records storage, fingerprint matching capacity, and trends analysis for the existing installed sites along the Southwest border, as well as additional interior enforcement sites. Implementation of benefit and asylum identification will be underway. In FY 1998, INS will continue to deploy the IDENT system to INS sites and provide the necessary services to support and maintain the capabilities of the system.

- **Corporate Information Systems** - This program seeks to integrate and consolidate, where appropriate, INS information and enhance records management capabilities while supporting a secure, open system environment. In FY 1997, the INS will continue efforts to re-engineer INS data repository systems to streamline access to alien information. This program will ensure that the data collected is correct, and that it will follow the same naming and attribute standards across all agency systems requiring use of the data. In FY 1997, the INS will also develop and deploy a Common User Interface that provides a front-end to existing INS systems as a means to ensure data collection integrity and to streamline access to alien information. The INS will also build imaging capabilities to provide electronic access to INS paper file information and provide for use in specific programs such as FOIA/PA. New and enhanced statistical capabilities and name search methodology will improve our corporate decision functionality.

Also under this program, the Verification Information System (VIS) will support the confirmation of an alien's immigration status, eligibility for certain entitlement benefits, and authorization to work. The INS recently expanded employer participation in the pilot verification program for employment eligibility to over 1,000 employers. In FY 1997, the Service anticipates continued implementation of systems which strengthen Service efforts in the area of worksite enforcement.

In FY 1998, INS will continue with its efforts to develop and deploy an imaging capability that will allow for electronic access to INS paper file information. The INS will also continue to re-engineer its data repository systems to streamline and improve its corporate information systems and the data contained in those systems.

- **Management Systems** - The Management Systems Program includes the development, implementation, and maintenance of financial and administrative applications providing decision support information on INS workload, personnel, and financial resources. During FY 1996, INS continued development of plans to implement a cross-servicing agreement for a new financial management system. During FY 1997, the Service will finalize plans to implement the core financial and administrative system by October 1, 1997.

- **Enforcement Systems** - In FY 1998, INS will continue with the deployment of ENFORCE Phase II at designated INS sites and the continued implementation of the EVRP. The INS will also continue providing services to support and maintain the applications systems that support the Enforcement Systems Program (i.e., ENFORCE and ICAD), and the radios, scopes, sensors, and night vision equipment deployed.

- **Information Resource Management (IRM) Operations** - IRM Operations consists of the planning, policy development, acquisition management, computer security, field and program support, and management activities required to support the technology requirements of the Service. IRM Operations provide the strategic direction and tactical implementation strategies for the effective and efficient development, deployment, and maintenance of automated information resources.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Information and Records Management			
1997 Availability	515	567	\$55,326
1998 Base	615	617	\$6,956
1998 Estimate	652	635	\$60,042
Increase/Decrease	37	18	3,086

BASE PROGRAM DESCRIPTION:

- The Information and Records Management Program maintains and manages alien records and files, provides information from those files to fulfill requests, controls and monitors the release of information through the Verification (SAVE) program and the Freedom of Information/Privacy Acts program, oversees the Service mail management program, and delivers forms and applications to internal and external customers.
- The program develops, implements, and monitors policy and procedures, promulgates regulations, develops planning and budgets, and carries out operational support functions to support the responsibilities described above.
- Every operation entity in INS relies on accurate, timely and complete data and records as well as the day to day records support operations that make it possible to conduct law enforcement activities, adjudicate benefits, facilitate foreign travel, and support administrative functions. It is the responsibility of the Information and Records Management Program to ensure the high level of support demanded by our internal customers. In addition, the program represents the public's interest as the custodian of records and information. The safeguarding of immigration related information, and the appropriate dissemination of that information provision to the public and other governmental entities, is a primary objective of this program.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Legal Proceedings			
1997 Availability	514	468	\$44,934
1998 Base	514	532	45,942
1998 Estimate	514	532	45,942
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- INS attorneys represent INS before Immigration Judges, the Board of Immigration Appeals, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and boards of contract appeals. The attorneys review charging documents for legal sufficiency, prepare for hearings, represent INS in court, prepare appellate briefs and provide legal advice. The Legal Proceedings program provides litigation support in agency litigation conducted in U.S. District Courts, U.S. Courts of Appeals, and the U.S. Supreme Court. Attorneys provide advice to the Commissioner, Regional Directors, District Directors, Border Patrol Sector Chiefs, and to their staffs, on legal matters arising at all levels of agency operations. The attorneys also assist interagency task forces in developing cases and removal strategies for criminal aliens.

The Legal Proceedings program at Headquarters provides the following legal support:

- Employer Sanctions Program:** This program is responsible for the maintenance of the Index of Case Decisions on Employer Sanctions and the Digest of Case Decisions on Employer Sanctions. It compiles and distributes employer sanctions regulations as a part of the Employer Sanctions Legal Reference Series. The Employer Sanctions Legal Advisory Committee assists in resolving complex legal issues and provides field offices with input on major employer sanctions legal matters. Experienced sanctions attorneys conduct training in employer sanctions for Special Agents, Inspectors, and Border Patrol agents.
- Examinations Program:** This program issues formal legal opinions and provides legal assistance to all INS attorneys and program managers on an array of immigration issues. The program also reviews legislative proposals, drafts bill reports, and drafts and revises regulations.

- **Refugee and Asylum Law Program:** This program provides the direction and supervision for the Asylum Pre-Screening program; provides formal legal opinions and other legal advice to INS components on issues arising in connection with the Service's asylum and refugee programs; drafts and reviews regulations, legislative proposals, and management initiatives concerning asylum and refugee processing; and participates in the training of Asylum Officers and Refugee Officers.
- **Enforcement Program:** This program emphasizes litigation strategies and removal of criminal aliens, particularly those convicted of aggravated felonies and aliens involved in terrorist activities. Expedited exclusion and deportation of these aliens requires more intensive legal review because of the complexity of potential exclusion and deportation charges. INS attorneys are stationed in all district offices to coordinate and help assure the effectiveness of the criminal alien program, including the IIRP. This program also supports litigation in Federal courts relating to criminal aliens.

ACTIVITY: PROGRAM DIRECTION

	Perm. Pos.	ETE	Amount
Management and Administration			
1997 Availability	1,102	1,080	\$114,829
1998 Base	1,102	1,198	118,483
1998 Estimate	1,102	1,128	118,483
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The Management and Administration program provides management direction and support for the implementation and operation of regional and field activities and functions to those managers and supervisors who are responsible for and exercise authority over multiple programs;
- Executes the provisions of the INA and related policies through the development and implementation of immigration programs and the management of resources;
- Provides for the development, implementation, direction, operation and evaluation of administrative support systems and services that meet internal operational and managerial needs, as well as externally mandated requirements;

- Provides executive direction and control of INS;
- Furnishes accurate and prompt responses to Congressional and public inquiries; performs audits, conducts internal investigations, provides informational responses to inquiries from GAO, OIG, OMB and Departmental offices, develops and evaluates policies and systems to improve the effectiveness of the INS' programs.
- The major administrative functions within the program include: personnel; budget; accounting; internal controls; equal employment opportunity; procurement; property management; fleet management; security; safety and health; and other miscellaneous general services that support all programs.

Professionalism Initiative
Salaries and Expenses
(Dollars in Thousands)

Proposed Actions

In recent years, INS has expanded and intensified program activities in the areas of enforcement, deterrence, and benefits. This expansion has facilitated the entry of legally admissible individuals to the United States, prevented illegal entry and improper granting of benefits, increased apprehensions and removals of illegal aliens, and the enforcement of Immigration laws at the worksite. However, program expansion has placed a strain on the basic infrastructure of INS and its ability to assimilate thousands of new employees into the organization. Infrastructure and assimilation issues are highlighted by the inability of INS to provide necessary training, vehicles, equipment, facilities, and administrative, legal, and information management support required by the workforce. These basic infrastructure and assimilation resources are critical to enable the INS workforce to effectively manage program requirements and to promote professionalism and success in the priorities of INS.

INS must build and maintain its infrastructure base and provide sufficient mission support to maximize the efficiency and effectiveness of the workforce. In FY 1997, INS received resources to begin addressing the deficiencies in the infrastructure base and mission support. In FY 1998, basic operational support requirements must be addressed further for INS to fully achieve its goals. Additionally, initiatives developed and implemented with resources from the Violent Crime Reduction Trust Fund between FY 1995 and FY 1997 must now also be maintained. It is imperative that INS focus its efforts and resources on promoting professionalism through the continued restoration and maintenance of the infrastructure base and mission support as we move into FY 1998.

The INS Professionalism initiative will focus its efforts and resources on the delivery of mission-critical support to INS components to maximize the effectiveness and efficiency of the INS workforce. INS will focus on assimilating the thousands of new employees into the organization.

In fiscal year 1998, INS is requesting \$3,086,000 in funding from the Salaries and Expenses Account. These resources will be used to help the INS comply with the Electronic Freedom of Information Act Amendment of 1996 (EFOIA). Resources will be used as follows:

	Positions	Workyears	Amount
Information and Records	37	18	\$3,086

EFOIA has several provisions which have an impact on the FOIA/PA program at the Immigration and Naturalization Service. The mandates in sections 4, 7, and 8 will have the greatest impact on the INS and require additional resources to be compliant.

5 positions, 2 workyears, and \$274,000 are requested to comply with Section 4 of EFOIA, Electronic Reading Room. This section mandates that the INS create a computer based, as well as a records based, environment for public access, at the very least at INS headquarters. This environment may be in the form of computer diskette, CD-ROM, or may be placed on the Internet. In addition to having the information available, INS must comply with the public's demand for copies in the format of their choice. Since it was established, by regulation, that reading room material would be available at each district office, workstations would be needed at every location to allow for public access. The resources noted above would allow the INS to be in compliance with this section of the EFOIA and, with the Department of Justice's approval, allow INS to make these records available on the Internet, eliminating the need for reading room materials at each district.

A total of 32 positions, 16 workyears, and \$2,812,000 are requested to comply with Section 7 of EFOIA, Timely Response to Requests for Information, which requires a response within 20 days. Currently, the FOIA/PA staff of 135 employees is processing some 90,000 incoming requests for information. With requests increasing yearly at a rate of 10-15%, the INS FOIA/PA would be unable to carry out the mandate. In order to meet the mandate of Section 7 of the EFOIA, staff must be increased by 32 positions. Currently, the number of pending requests stands at 15,000 plus cases. Once eliminated, the incoming requests caseload could be managed if conditions remained constant. However, from past experience, INS predicts a 10-15% increase in receipts each year. Under the new standard, a predictable backlog does not qualify for exceptional circumstances in justifying a delay in responding to requests within statutory time limits. To bring the program into compliance, eliminating the backlog and meeting the 20 day response time, the requested positions are essential.

GENERAL GOAL # 1: Border Control and Facilitation - Regulate entry to the United States in a manner that facilitates lawful travel and commerce while ensuring border integrity.									
ELEMENT # 1: INSPECTIONS									
PERFORMANCE INDICATORS INFORMATION			PERFORMANCE TARGETS & ACTUAL RESULTS						
Type of Indicator	Performance Indicators		1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target Incr.	1998 Target	
Input	Number of Inspectors (by FTE) ¹¹ Total hours (in 000s) ¹²		3,405 8,101	3,464 9,086	3,736 9,920	4,294 11,000	+ 133 + 995	4,604 12,660	
Output/Activity	INSPECTIONS: (Numbers in 000's) a. Number of Air and Sea Inspections Air inspections hours ¹³ Sea inspections hours ¹³ b. Number of Land Inspections Land inspections hours ¹³ c. Number of Fraud Detections d. Total Number of Admissions Denied (1) Number of Applications Refused or Withdrawn (2) Number of Excludable Cases sent to Immigration Judge		66,179 3,288 313 444,046 2,450 144 999 982 17	70,786 3,918 288 408,675 2,559 96 990 971 19	75,119 3,735 216 403,465 2,719 99 1,020 995 25	80,414 4,000 300 410,000 3,733 110 1,034 1,010 24	+ 5,586 + 525 + 20 + 6,813 + 192 + 10 + 22 + 20 + 2	86,000 5,191 360 432,000 3,925 120 1,072 1,046 26	

Output/ Activity	INSPECTIONS: (Numbers in 000's)						
	e. Number of Secondary Referrals ^u	10,891	12,492	12,615	13,500	+ 500	13,940
	Total number of enforcement secondary referrals	7,591	7,411	8,396	8,000	+ 350	8,240
	Total number of service secondary referrals	3,300	5,081	4,219	5,500	+ 150	5,700
	f. Number of Lookout System Intercepts	46	50	48	59	+ 6	65
	g. Number of total inspections per Inspector FTE ^u	150	138	128	114	- 2	112
Intermediate Outcome	INSPECTIONS:						
	a. Percent of repeat offenders identified thru IDENT ^u	N/A	N/A	N/A	N/A	N/A	N/A
	b. Percent of fraud detections per total inspections (in 000's)	.028%	.020%	.021%	.021%	+ .002%	.023%
	c. Percent of total inspections that are in compliance with law and regulation	N/A	N/A	N/A	N/A	N/A	N/A
	d. Percent of enforcement secondary referrals that result in referrals to an immigration judge	22.4%	25.6%	27.4%	30.4%	+ 1.1%	31.5%
	e. Percent of total inspection hours per total hours	74.4%	74.5%	67.2%	73.0%	+0.0%	74.9%
End Outcome	REGULATE: Ensure the integrity of the border.						
	Percent of violators intercepted per total estimated violators ^u	N/A	N/A	N/A	N/A	N/A	N/A
Productivity/ Efficiency	FACILITATE: Improve the processing efficiency for lawful travel and commerce.						
	Percent of reduction in cycle time at airports ^u	N/A	N/A	N/A	N/A	N/A	N/A
	Percent of reduction in cycle time at seaports	N/A	N/A	N/A	N/A	N/A	N/A
	Percent of reduction in cycle time at land ports	N/A	N/A	N/A	N/A	N/A	N/A

A. Definitions of Terms or Explanations of Indicators:	
INSPECTIONS:	
N/A = "Data not (currently) available"	
FTEs are used rather than the number of assigned individuals in order to distinguish between hours specifically related to inspections activities, as opposed to time spent on leave or holidays.	
<p>1. These figures include the total number of inspectors by FTE, but does not include support FTE. In addition, the actual totals listed reflect FTE used per year. In FY 1998, FTE totals reflect 50% FTE lapse of the new positions requested with the remaining 50% to be annualized into the FY 1999 total.</p> <p>2. Total inspections hours includes all hours worked relating to inspections activities, including primary, secondary, supervisory, clerical, leave, training, details, waiting time, travel hours, collateral duty hours, carrier liaison activities, adjudication time, fines, and departure control hours (PAS lines 122-134, 141-147, 168, and 172-173).</p> <p>3. Inspection hours for air, sea, and land include only those regular and overtime hours spent in primary, secondary, and on supervisory time (PAS lines 122-133).</p> <p>4. Enforcement referrals include only the processing of applicants deemed to be inadmissible, and service referrals include only the activities related to those individuals who require further processing for special or additional permissions. As new inspectors are added to primary and for pre-primary roving, enforcement-related referrals should increase. Inspectors will be able to facilitate legal traffic more quickly and identify more inadmissible aliens.</p> <p>5. Note that the total number of inspections per inspector are measured in thousands of inspections. Thus, the total number of actual inspections performed in 1994, were 147,000 inspections per inspector FTE. This equates to more than one inspection every minute (1.17 inspections per minute or 70 inspections per hour). The plan, as acknowledged and recommended by GAO, is to reduce this workload to a more reasonable and tolerable level. The 1997 target of 115,000 inspections per inspector FTE is still high, slightly less than one inspection per minute (91 inspections per minute or 55 inspections per hour), but still represents a significant improvement. At the same time, as the total number of inspectors increase, and as they gain skill and experience, the total number and quality of inspections can be expected to increase and the average individual waiting time improve (refer to note on "cycle time" below).</p> <p>6. Positive identification technology has not yet been adequately deployed to consistently and confidently identify repeat illegal border crossers. However, with FY 1996 and 1997 resources INS plans to expand installation of technology specifically designed and intended to perform such identification with high speed and reliability. IDENT, in particular, is scheduled for full deployment along the Southwest border, including all POEs, in FY97 and 98.</p> <p>7. The "Number of Total Estimated Violators" will be calculated based on a "Compliance Survey."</p> <p>8. "Cycle Time" is a data factor that is being planned. "Cycle Time" is defined as the time an individual spends from arrival at the inspection area until completion of primary inspection. Actual procedures for capturing this data are under development, an implementation date has not yet been determined.</p>	

B. Factors Affecting FY 1995 Program Performance	
C. Factors Affecting Selection of FY 1997 and 1998 Targets.	
<p>As noted above, outcome goals are greatly dependent upon INS' ability to successfully obtain and deploy technology which will allow the identification of repeat illegal border crossers and illegal entries. This, in turn, will make possible far more accurate estimates of the total numbers and movement of illegals.</p> <p>Another important factor affecting future goals will be the ability of INS to attract, train and retain quality personnel as inspectors, agents and officers. Notwithstanding the vital and effective assistance of technology, border control remains an essentially labor-intensive activity. It is also an area where experience is critical to the overall efficiency and effectiveness of operations. Experience is a function of time, so it is extremely important to maintain an optimum mix of seasoned along with new personnel ... so also is the awareness that productivity is not necessarily directly proportional to the number of people on board.</p>	

GENERAL GOAL # 1: Border Control and Facilitation - Regulate entry to the United States in a manner that facilitates lawful travel and commerce while ensuring border integrity.									
ELEMENT # 2: BORDER PATROL									
PERFORMANCE INDICATORS INFORMATION			PERFORMANCE TARGETS & ACTUAL RESULTS						
Type of Indicator	Performance Indicators		1994 Actual	1995 Actual	1996 Actual	1997 Target Estimate	1998 Target Increment	1998 Target	
Input	BORDER PATROL: Number of Agents (by FTE) ¹¹		4,199	4,721	5,528	6,508	+800	7,308	
Output/ Activity	(Numbers in 000's) a. Number of hours for "Border Control" ¹² b. Number of encounters entered into IDENT/ENFORCE ¹³		4,905 0	5,196 580	6,033 624	7,500 750	+1,000 +150	8,500 900	
Intermediate Outcome	(Numbers in 000's) a. Number of apprehensions ^{14 15} b. Number of records in LOOKOUT database ¹⁵ c. Number of records in Recidivist database ¹⁵		1,032 0 0	1,324 25 300	1,550 56 624	1,200 90 750	+100 + 90 +250	1,300 180 1,000	
End Outcome	REGULATE Ensure the integrity of the border a. Number of LOOKOUT identifications from IDENT ¹⁵ b. Number of recidivists identified through IDENT		0 0	6,040 75,030	5,836 126,786	10,000 150,000	+ 2,000 +50,000	12,000 200,000	
Productivity/ Efficiency	a. Percent of total hours spent on "Border Control" ¹⁶		56%	51%	53%	55%	+1.0%	56%	

<p>A. Definitions of Terms or Explanations for Indicators:</p>	<p>BORDER PATROL:</p> <p>N/A = "Data not (currently) available"</p> <p>V.1 FTEs (Full Time Equivalents) are used rather than the number of assigned individuals. FTE is a better indicator of the effective strength of an activity, in that it compensates for positions that have only been occupied for a portion of the tracking period, and also reflects the impact, if any, of large amounts of overtime. One FTE equals the number of regular official duty hours in the fiscal year, usually 2080 hours. The FTEs for an organization are computed by dividing the total hours worked by the FTE factor.</p> <p>V.2 "Border Control" hours are defined as those work hours spent on activities directly related to Border Enforcement (i.e., patrol, traffic checks, transportation checks, boat and air patrol, crewman and stowaway checks, etc.), as opposed to time spent on administration, training, or other functions.</p> <p>V.3 ENFORCE (Enforcement Case Tracking System) and IDENT (Automated Fingerprint Identification System) are part of the positive identification, apprehension and deportation automation technology being deployed to improve the efficiency and effectiveness of INS law enforcement. Eventually, IDENT and ENFORCE, which are currently operating as separate systems, will be merged into a single integrated system. Two subordinate systems of IDENT are the LOOKOUT database, which lists criminal aliens and prosecutable prior deportees, and the Recordvist database, which records individuals apprehended for Entry Without Inspection (EWI) -- a non-felony -- or otherwise denied entry to the United States at the border or a Port of Entry.</p>
<p>B. Factors Affecting FY 1995 and FY 1996 Program Performance</p>	<p>V.4 Apprehensions will continue to be variable depending on worldwide social and economic trends. FY 1995 provided a classic example with the devaluation of the peso and the resulting shock to the Mexican economy and its workers -- many of whom, as a result, sought relief in the United States. It is very likely that new economic problems in Mexico will continue to provide impetus to illegal northward migration, and subsequent apprehensions.</p> <p>In FY 1996, INS has continued to strengthen border enforcement efforts in the areas along the Southwest border that have historically experienced high levels of illegal alien traffic. These efforts have resulted in noticeable reductions in the number of attempted illegal entries at the targeted entry points, with resulting decreases in overall apprehensions (i.e., demonstrating the deterrent effect of INS endeavors). However, the apprehension decreases in the more popular, high traffic areas have been somewhat offset by significant increases in apprehensions in border areas which have previously experienced far lower levels of illegal entry attempts. This trend in shifting illegal entry patterns and increases in apprehensions in areas with lower numbers of illegal entries in the past are expected to continue in FY 1997 and 1998.</p> <p>V.5 Positive identification technology designed to consistently and reliably perform high speed identification of repeat illegal border crossers -- for example, the IDENT system -- was initially deployed by INS in FY 1995. With additional FY 1996 resources INS plans to expand installation of this technology. In particular, this will help to resolve the problem of repeat offenders simply circumlocating areas where systems such as IDENT are known to be deployed. This expanded deployment will continue in FY 1997 and FY 1998. Please refer to the "Technology Input" section of this General Goal for further discussion about the performance targets for the IDENT system.</p>

<p>C. Factors Affecting Selection of FY 1997 and 1998 Targets.</p>	<p>BORDER PATROL:</p> <p>\5. The percentage of Border Control hours are impacted by the influx of new agents that will require a greater number of hours of training. At the same time, more resources are now being applied to the development of new supervisory and management training for experienced agents, which -- when implemented -- will also affect the total hours that can be devoted to Border Control. However, the trade off in increased quality of Border Patrol supervision and management, as well as increased retention of experienced agents, will certainly compensate. Other factors that will influence total Border Control hours will be the advent of new technology that improves the efficiency of individual agents, the increase in support staff that will relieve the administrative burden on agents and supervisory agents, and changes -- both anticipated and unexpected -- in enforcement policies, tactics and strategies.</p> <p>\7. INS is currently projecting a decrease in total apprehensions by FY 1997. This is based on the assumption that, first, the range of Border Control efforts and initiatives that are in process or being planned will continue to have a <u>deterrence</u> effect in FY 1997. As the risk of apprehension increases and the costs of trying to cross the border illegally become greater (physically, monetarily and judicially), the number of potential first-timers who become discouraged and turn back (or never start) should increase. Similarly, the number of recidivists may increase as the risk of apprehension increases until they are also deterred from entry.</p> <p>In FY 1998, INS is projecting that apprehensions will begin to increase as illegal alien traffic flow shifts to new areas that are not as familiar to entrants and smugglers. Many of these areas are more desolate than the former entry corridors and farther from urban areas and transportation routes. All of these factors make detection and apprehension easier. Another factor contributing to the rise in apprehensions is that by FY 1998, it can be expected that the large numbers of Border Patrol agents who came on board in earlier years will have become increasingly experienced and effective. The deterrence effect that was seen in other border areas will take time to establish in the new locations. Until such time as it is shown -- and word spreads -- that the new areas are also controlled, there will be <u>increased apprehensions</u>.</p>
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GENERAL GOAL # 1: Border Control and Facilitation - Regulate entry to the United States in a manner that facilitates lawful travel and commerce while ensuring border integrity.									
ELEMENT # 3: TECHNOLOGY INPUT									
PERFORMANCE INDICATORS INFORMATION		PERFORMANCE TARGETS & ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target Increment	1998 Target		
Input	TECHNOLOGY INPUT: a Number of <i>Southwest</i> locations with IDENT (Cumulative total) ¹⁾ b Number of <i>major</i> locations with IDENT (Cumulative total) ¹⁾	0 0	23 23	71 76	158 158	+33 +144	191 302		
Output/ Activity	Number of encounters entered into IDENT/ENFORCE (Cumulative total)	0	580,000	623,933	750,000	+150,000	900,000		
Intermediate Outcome	a Cumulative percent of <i>total INS</i> locations with IDENT ¹⁾ b Cumulative percent of <i>major</i> locations with IDENT ¹⁾ c Cumulative percent of <i>Southwest</i> locations with IDENT ¹⁾	0 0 0	3.00% 4.84% 12.04%	9.78% 15.79% 39.27%	20.60% 33.26% 82.72%	+18.77% +30.32% +17.28%	39.37% 63.58% 100.00%		
End Outcome	REGULATE Ensure the integrity of the border a Measure movement of illegal border crossers b Identify strategic locations for deployment of resources FACILITATE Improve the efficiency of lawful travel and commerce (See notes)	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A		
Productivity/ Efficiency									

<p>A. Definitions of Terms or Explanations for Indicators:</p>	<p>TECHNOLOGY INPUT:</p> <p>N/A = "Data not (currently) available"</p> <p>Currently, the Information Resource Management (IRM) project plan calls for an total of 767 IDENT locations when the system is completely deployed, and they are currently ahead of their original deployment schedule. Actual data input into the IDENT system began on October 1, 1994. The system was brought online in San Diego Sector on March 16, 1995, and since that time there have been nearly 220,000 "positive IDs." In IRM terms, a "positive ID" is one in which the system has made an identification that has resulted in either formal deportation proceedings or prosecution being initiated. There are other, lesser, degrees of identification, but the utility of that data is still being evaluated.</p> <p>For Border Control purposes the IDENT system is soon to be the integrated IDENT/INFORCE system. has been selected as the one most representative of the impact that technology has had on operations. However, there are other systems and initiatives that are in various stages of planning, development and/or deployment. The INFORCE system is an example of a system that will directly aid the regulation of border crossing by identifying and tracking illegal and inadmissible aliens, and indirectly aid facilitation by ultimately aiding in the reduction of the number of illegals. The Automatic Processing Points (APPs) and the Interagency Border Inspection System (IBIS), and the INS Passenger Accelerated Service System (INSPASS) are examples of technology that will directly aid the facilitation of lawful travel and commerce, but are not yet at a stage where their significance as providers of performance data can be determined.</p> <p>U.I. A distinction is made between "MAJOR" locations (475) and "TOTAL INS" locations (767). "Major" locations refer to those locations with "high encounter volume", i.e. large numbers of illegal aliens apprehended. "Total INS" locations refers to the ultimate goal of placing IDENT/INFORCE at every Border Patrol station or checkpoint, every Port of Entry, every District and Sector headquarters. In short, at every place where INS personnel have a need to access the system for either entry or retrieval of data. In addition, "Southwest" locations (191) have been added both as a separate category, and as a subset of "MAJOR" locations. Beginning in mid-FY 1996, the IDENT project team was directed to reprimarize its schedule and focus exclusively on bringing IDENT to every fixed site along the Southwest border. For the sake of consistency in reporting, lower-volume locations along the Southwest border have been rolled into the reporting for "major" or high-volume locations.</p>
<p>B. Factors Affecting FY 1995 and FY 1996 Program Performance</p>	<p>The IDENT system remained ahead of schedule for procurement and deployment of stations through the end of FY 1996, and is right on target for FY 1997.</p>

<p>C. Factors Affecting Selection of FY 1997 and 1998 Targets</p>	<p>In July 1996, the IBM Steering Committee directed that absolute priority would be given to the deployment of IDENT along the Southwest border. The deployment plan that was approved at that time calls for almost total coverage of the border -- all fixed sites will be included, and as many mobile locations as funding will allow. However, as with any new technology, performance projections are subject to technical problems, as well as any of numerous variables in the planning, procurement and deployment process.</p> <p>The planned integration of IDENT with the ENFORCE system began field-testing in El Paso Sector in late FY 1996. If the tests are successful, this integration will provide improved data gathering and analysis capability, as part of a greatly enhanced overall system potential. INS also envisions that the expanded system will allow us to apply statistical measurements to the flow of illegal border crossers and the effectiveness of border control resource utilization, improving the strategic deployment of assets.</p> <p>Initial work is currently under way to develop a computer staffing model that will utilize Artificial Intelligence programming to assess a large number of numeric, geographic, economic and political factors to provide the cost assessment and suggest resource deployment by sector and station. The initial pilot -- scheduled to begin in early 1997 -- will target El Paso Sector and when sufficiently refined -- possibly in late 1998 -- it will be exported to the rest of the Southwest border sectors.</p>
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Professionalism Initiative GPRA Chart

General Note: INS will develop a motivated, well-trained, and diverse workforce.

Element #1: The INS Workforce (Growth, Diversity, Training)

Type of Indicator	Performance Targets and Actual Results									
	1994		1995		1996		1997		1998	
	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target
Performance Indicators										
• Employees	N/A		18,520	24,696	16,006	17,277	14,466	17,472	1,777	28,240
• Officer Corps	N/A		12,210	16,006	1,466	1,466	1,466	1,466	1,466	18,938
• Border Patrol	N/A		1,881	5,878	1,900	1,900	1,900	1,900	1,900	7,878
• Special Agent	N/A		1,570	1,742	19	19	19	19	19	1,780
• Immigration Agent	N/A		57	224	25	25	25	25	25	274
• Detention Enforcement Officer	N/A		108	122	37	37	37	37	37	196
• Immigration Inspector	N/A		894	1,461	33	33	33	33	33	1,527
• Immigration Lawmaster	N/A		1,275	1,420	352	352	352	352	352	5,124
• Immigration Asylum Officer	N/A		1,272	1,402	143	143	143	143	143	1,462
• Other Officer Corps	N/A		319	343	343	343	343	343	343	343
• Support	N/A		5,810	8,690	311	311	311	311	311	9,312
• Attorneys	N/A		368	506	506	506	506	506	506	512
• Information Officers	N/A		614	713	713	713	713	713	713	713
• All Other Support	N/A		1,828	7,471	308	308	308	308	308	8,087
Civilian Labor Force Diversity (%)										
White Males Females	54.1% 45.9%	54.1% 45.9%	54.1% 45.9%	54.1% 45.9%	54.1% 45.9%	54.1% 45.9%	54.1% 45.9%	54.1% 45.9%	54.1% 45.9%	54.1% 45.9%
Black Males Females	42.6% 35.2%	42.6% 35.2%	42.6% 35.2%	42.6% 35.2%	42.6% 35.2%	42.6% 35.2%	42.6% 35.2%	42.6% 35.2%	42.6% 35.2%	42.6% 35.2%
Hispanic Males Females	4.5% 3.4%	4.5% 3.4%	4.5% 3.4%	4.5% 3.4%	4.5% 3.4%	4.5% 3.4%	4.5% 3.4%	4.5% 3.4%	4.5% 3.4%	4.5% 3.4%
Asian Males Females	4.8% 3.1%	4.8% 3.1%	4.8% 3.1%	4.8% 3.1%	4.8% 3.1%	4.8% 3.1%	4.8% 3.1%	4.8% 3.1%	4.8% 3.1%	4.8% 3.1%
American Indian Males Females	1.5% 1.1%	1.5% 1.1%	1.5% 1.1%	1.5% 1.1%	1.5% 1.1%	1.5% 1.1%	1.5% 1.1%	1.5% 1.1%	1.5% 1.1%	1.5% 1.1%
Background Investigations Submitted	2,040	5,794	10,729	39	10,768	39	10,768	39	10,768	39
Security Re-investigations Submitted	2,281	1,101	3,337	792	4,189	792	4,189	792	4,189	792

General Goal: INS will develop a motivated, well-trained, and diverse workforce.									
Element #1: The INS Workforce (Growth, Diversity, Training) -- Continued									
Type of Indicator Action	Performance Indicators Information						Performance Targets and Actual Results		
	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target	1998 Target Increase	1998 Target		
Performance Indicators									
* New Employees (Net Change from Beg of Yr)	... N/A ...	... N/A ...	... N/A ...	... N/A ...	... N/A ...	...	...	...	...
Officer Corps	... N/A ...	... N/A ...	... N/A ...	... N/A ...	... N/A ...	...	...	...	...
All OIA's Support	... N/A ...	... N/A ...	... N/A ...	... N/A ...	... N/A ...	...	...	...	...
* New Supervisors (Net Change from Beg of Yr)	... N/A ...	... N/A ...	... N/A ...	... N/A ...	... N/A ...	...	...	...	...
Officer Corps	... N/A ...	... N/A ...	... N/A ...	... N/A ...	... N/A ...	...	...	...	...
All Other	... N/A ...	... N/A ...	... N/A ...	... N/A ...	... N/A ...	...	...	...	...
* Employees Trained	...	...	5,378	1,976	7,254	1,337	8,591		
-- Training (Other Corps)	... N/A ...	... N/A ...	4,417	1,293	5,710	(102)	5,607		
-- Border Patrol	... N/A ...	... N/A ...	1,474	206	1,680	(686)	1,946		
-- Special Agent	... N/A ...	... N/A ...	117	27	144	167	311		
-- Immigration Agent	... N/A ...	... N/A ...	216	(166)	70	95	165		
-- I&IT Officer	... N/A ...	... N/A ...	563	(95)	468	(171)	639		
-- Detention Enforcement Officer	... N/A ...	... N/A ...	810	481	1,291	(1,196)	2,077		
-- Immigration Inspector	... N/A ...	... N/A ...	310	(60)	250	(250)	500		
-- Training Unit Manager	... N/A ...	... N/A ...	211	(178)	33	(13)	245		
-- Asylum Officer	... N/A ...	... N/A ...	466	(442)	24	(211)	336		
Information Officers	... N/A ...	... N/A ...	250	1,500	1,750	(1,586)	3,136		
Advanced Training (Overseasmen - Officer Corps)	... N/A ...	... N/A ...	481	(1)	480	-608	918		
Immigration Supervisor	... N/A ...	... N/A ...	153	183	136	-450	786		
Advanced Supervision	... N/A ...	... N/A ...	188	316	504	596	1,100		
Management Training	... N/A ...	... N/A ...	39	185	224	(74)	150		
Executive Training	... N/A ...	... N/A ...							
AIDP Training	... N/A ...	... N/A ...							
All Other	... N/A ...	... N/A ...							
* Background Investigations Completed	2,194	4,513	9,072	4,800			4,800		4,800
* Security Background Investigations Completed	1,781	1,669	1,823	4,101			4,101		4,101

General Goal: INS will develop a motivated, well-trained, and diverse workforce.												
Element #1: The INS Workforce (Growth, Diversity, Training) -- Continued												
Type of Indicator	Performance Indicators Information			Performance Targets and Actual Results								
	Performance Indicator	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Actual	1998 Target	1998 Actual	1999 Target	1999 Actual	2000 Target	2000 Actual
Intermediate Outcome	# of eligible Journeymen in Backlog Status	NA	NA	NA	873	5,883	508	NA	NA	NA	NA	NA
Final Outcome	% of eligible Supervisors Receiving Training	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	% of eligible Journeymen Receiving Training	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	INS Diversity (%)	66.1% (37.7%)	67.1% (32.7%)	68.7% (31.3%)	NA	NA	NA	NA	NA	NA	NA	NA
	White Males Females	41.7% (13.6%)	41.8% (16.8%)	42.1% (16.7%)	NA	NA	NA	NA	NA	NA	NA	NA
	Black Males Females	16.6% (7.7%)	17.6% (7.1%)	17.9% (6.9%)	NA	NA	NA	NA	NA	NA	NA	NA
	Hispanic Males Females	18.9% (4.4%)	19.1% (4.4%)	19.6% (4.2%)	NA	NA	NA	NA	NA	NA	NA	NA
	Asian Males Females	1.8% (1.9%)	1.9% (1.9%)	2.0% (1.7%)	NA	NA	NA	NA	NA	NA	NA	NA
	American Indian Males Females	0.1% (0.1%)	0.4% (0.1%)	0.1% (0.21%)	NA	NA	NA	NA	NA	NA	NA	NA
Predictors	Ratio of Employees On Board to Authorized Positions	2.2%	2.8%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
Indicators	Attrition Rate	2.4%	2.4%	2.4%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
	-- Officer Corps	2.2%	2.8%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
	-- All Other	2.4%	2.4%	2.4%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
	Training Costs per Employee Trained	6,453	6,887	6,627	73	6,746	75	6,775	100	8,900	8,900	8,900
	Basic Training (Officer Corps)	6,453	6,887	6,627	73	6,746	75	6,775	100	8,900	8,900	8,900
	-- Border Patrol	6,453	6,887	6,627	62	6,725	75	6,800	75	6,800	75	6,800
	-- Special Agent	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	-- Immigration Agent	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	-- Deportation Officer	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	-- Detention Enforcement Officer	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	Glyser	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	Artesa	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	-- Immigration Inspector	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	-- Immigration Examiner - Exportable in 97 and 98	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	-- Immigration Asylum Officer - Exportable	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	-- Information Officers - Exportable	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	Advanced Training (Journymen - Officer Corps)	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	Basic Supervision	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	Advanced Supervision	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	Management Training	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275
	Reserve Training	6,453	6,887	6,627	70	6,200	75	6,275	75	6,275	75	6,275

General Goal: INS will develop a motivated, well-trained, and diverse workforce.	
Element #1: The INS Workforce (Growth, Diversity, Training) -- Continued	
A. Definitions of Terms or Explanations for Indicators:	
New Employees - Represents all authorized and funded positions less those employees on board. The number of authorized and funded positions reflects the DNS Table of Organization.	
Diversity is defined where the DNS workforce matches the Civilian Labor Force. Another way of describing diversity is where full representation of minority groups is achieved corresponding to the Civilian Labor Force (CLF) data. The CLF is based on the 1990 Census.	
Advanced training includes Journeyman training and specialized training (e.g., for certifications, firearms training, etc.). Journeymen are eligible for training after three years in the officer corps.	
Training Costs per Employee Trained - The amount included are direct training costs, DNS modular cost for new positions include all training costs.	
B. Factors Affecting FY 1998 Program Performance	
Resources were not available for advanced training. In FY 96, a major emphasis was placed on getting all new officer corps personnel trained in basic training. This requirement took the bulk of the resources allocated to training and limited the Agency's capacity to deliver training to Journeymen.	
INS diversity figures for FY 96 - FY 98 will be shown as actuals when the figures are known.	
C. Factors Affecting Selection of FY 1997 and 1998 Targets	
The FY 98 performance targets reflect growth management assumptions and projected training to be delivered. The FY 98 targets assume that enhancement resources for training are provided.	

Professionalism Initiative GPRA Chart

General Goal: INS will use ADP and other emerging technologies to support an efficient, effective, and integrated operational environment.

Element #2: Application of Information Technology

Type of Indicator	Performance Indicators Information		Performance Targets and Actual Results					
	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Target Decrease	1998 Target	1998 Target Decrease
Input	# Employees Requiring a Computer Workstation	18,000	19,300	22,011	25,011	3,000	989	26,000
	# Computer Workstations Deployed (Beginning of Yr) (Cumulative - New and Upgraded)	-	-	2,859	6,710	6,710	7,551	17,100
Activity	# Computer Workstations Deployed (Annual)	-	2,611	5,272	228	5,500	(2,100)	3,400
	# Computer Workstations Upgraded (Annual)	-	248	1,438	(438)	1,000	(200)	800
Immediate Outcome	# Employees Served by a Computer Workstation	-	5,814	13,162	7,000	20,162	5,838	26,000
	# General Employee Workstations (Annual)	-	2,859	6,710	(210)	6,500	(2,300)	4,200

General Goal: INS will use ADP and other emerging technologies to support an efficient, effective, and integrated operational environment.									
Element #2: Application of Information Technology -- Continued									
Type of Indicator	Performance Indicators Information			Performance Targets and Actual Results					
	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Performance	1998 Target	1998 Performance	1998 Target
End Outcome	Employees Served by a Computer Workstation as % of Employees Requiring Servicing		30.1%	39.8%	20.8%	80.6%	19.4%		100.0%
Productivity/Efficiency	N/A								
A. Definitions of Terms or Explanations for Indicators									
Investments in the DDM Infrastructure Deployment program exclude annual, recurring operations and maintenance costs									
Employees "served by" a computer workstation reflects the number of employees who benefit from a deployed workstation									
B. Factors Affecting FY 1996 Program Performance									
Although the FY 1996 deployment served over 500 employees more than the target number, the nature of the work force included numerous stop sites, therefore the quantity of computers required to service these employees was less than the original target									
C. Factors Affecting Selection of FY 1997 and 1998 Targets									
Performance targets for FY 97 and FY 98 reflect the President's budget and the Department Request									

Professionalism Initiative GPRA Chart

General Goal: Professionalism Initiative - INS will manage resources to accomplish our mission effectively, using results-oriented workload and productivity measures.

Element #3: Resource Management

Type of Indicator Input	Performance Indicators Information									
	1994 Actual	1995 Actual	1996 Actual	1997 Actual	1997 Target	1998 Actual	1998 Target	1999 Actual	1999 Target	2000 Actual
Performance Indicators										
* Vehicles in Fleet Beginning of Year	6,706	7,011	7,650	1,000	8,650	1,000	8,650	1,000	8,650	9,450
* Passenger Vehicles (all types)	6,010	6,877	7,506	975	8,475	975	8,475	975	8,475	9,450
* Buses (all types)	98	114	150	25	175	25	175	25	175	200
* Vehicles Eligible for Replacement	4,363	4,454	4,830	287	5,117	287	5,117	287	5,117	5,193
* Passenger Vehicles (all types)	4,292	4,390	4,754	279	5,033	279	5,033	279	5,033	5,103
* Buses (all types)	64	(A)	76	8	84	8	84	8	84	92
* Cases Received	122,997	151,672	219,309	23,153	242,462	23,153	242,462	23,153	242,462	293,040
* Immigration Court - 600 (A)	121,116	151,874	217,672	22,328	240,000	22,328	240,000	22,328	240,000	290,000
* Employer Sanctions - 627 (A)	1,690	1,678	1,590	653	2,243	653	2,243	653	2,243	2,678
* Civil Document Fraud - 634 (A)	251	120	47	174	221	174	221	174	221	362
* Office of Internal Audit Personnel	12	16	16	15	31	15	31	15	31	31
* Investigations (Investigate or Monitor Cases)	6	6	6	4	10	4	10	4	10	10
* Analysts (Audit Liaison Follow-up, Spec Studies Field Assessments)	6	10	10	11	21	11	21	11	21	21
* Allegations Received	1,525	1,504	1,722	138	1,860	138	1,860	138	1,860	2,008
* Shooting Incidents	...	N/A	65	60	125	65	125	65	125	150
* Reviews/Audits Started by External Organizations	...	N/A	28	21	20	28	21	20	21	20

General Goal: Professionalism Initiative - INS will manage resources to accomplish our mission effectively, using results-oriented workload and productivity measures.										
Element #3: Resource Management -- Continued										
Type of Indicator Activity	Performance Indicator Information			Performance Targets and Actual Results						
	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Actual	1998 Target	1998 Actual	1999 Target	1999 Actual	2000 Target
Performance Indicators										
# Total Vehicles Replaced	391	490	596	404	398	250	247	1,000	950	1,250
Passenger Vehicles (all types)	386	486	592	6	6	10	3	13	13	13
Buses (all types)	5	4	4							
# Cases Completed	101,811	135,249	200,222	16,952	22,174	45,494	45,494	272,668	272,668	272,668
Immigration Court - 600 (S)	99,980	131,635	198,722	26,278	22,500	43,000	43,000	270,000	270,000	270,000
Employer Sanctions - 617 (B)	1,650	1,314	1,431	386	2,017	394	394	2,400	2,400	2,400
Civil Document Fraud - 614 (B)	181	80	69	88	157	100	100	237	237	237
# Court Appearances	232,331	291,434	424,337	99,931	524,358	97,130	97,130	631,378	631,378	631,378
Immigration Court (602 A - 608 A)	232,222	291,149	424,014	99,600	521,704	97,130	97,130	630,900	630,900	630,900
Employer Sanctions - 617 (A)	19	179	21	174	207	48	48	295	295	295
Civil Document Fraud - 639 (A)	16	111	250	57	307	124	124	181	181	181
# Prosecutorial Opinions/Memoranda Filed (609.612.615.616.639.636 -- A)	35,834	38,870	52,305	2,495	55,000	10,000	10,000	65,000	65,000	65,000
# Training Hours Provided to Officer Corps (618)	3,628	3,190	5,444	800	6,244	1,000	1,000	7,344	7,344	7,344

General Goal: Professionalism Initiative - INS will manage resources to accomplish our mission effectively, using results-oriented workload and productivity measures.												
Element #3: Resource Management -- Continued												
Type of Indicator Activity	Performance Indicators Information				Performance Targets and Actual Results							
	1994	1995	1996	1997	1997	1997	1997	1997	1997	1997	1997	1997
Performance Indicators	Actual	Actual	Actual	Actual	Target	Target	Target	Target	Target	Target	Target	Target
	1,325	1,594	1,722	1,869	138	141	142	148	148	148	148	2,008
	356	157	51	141	121	121	121	121	121	121	121	200
	240
	160
Intermediate Outcome	150
	150
	150
	150
	150
End Outcome	150
	150
	150
	150
	150
Total Production Hours	150
	150
	150
	150
	150
% Total Reviews Conducted by DNS (OIA)	150
	150
	150
	150
	150

General Goal: Professionalism Initiative - INS will manage resources to accomplish our mission effectively, using results-oriented workload and productivity measures.										
Element #3: Resource Management -- Continued										
Type of Indicator	Performance Indicators Information			Performance Targets and Actual Results						
	1994 Actual	1995 Actual	1996 Actual	1997 Target	1997 Actual	1998 Target	1998 Actual	1999 Target	1999 Actual	2000 Target
Productivity Indicators										
* Hours per Case Prepared - Immigration Court 601-C	0.35	0.31	0.28	0.05	0.05	0.07	0.07	0.07	0.07	0.40
* Hours per Brief Prepared - Immigration Court 605-C	2.34	2.16	1.83	0.40	0.40	0.37	0.37	0.37	0.37	2.80
* Cases Monitored/Reviewed per Investigator (OMA)	250	250	200	10	10	100	100	100	100	100
* Cases Investigated per Investigator (OMA)	-- N/A --	-- N/A --	24	24	24	24	24	24	24	24
* Special Studies per Analyst (OMA)	0.5	0.1	2.0	2.1	2.1	2.0	2.0	2.0	2.0	2.0
* Field Reviews per Analyst (OMA)	19.0	28.0	1.1	1.1	1.1	1.5	1.5	1.5	1.5	4.0
* External Reviews Monitored per Analyst (OMA)				(1.0)	(1.0)	20.0	20.0	20.0	20.0	20.0
* Follow-up Reviews per Analyst (OMA)				2.50	2.50	2.50	2.50	2.50	2.50	10.00

General Goal: Professionalism Initiative - INS will manage resources to accomplish our mission effectively, using results-oriented workload and productivity measures.	
Element #3: Resource Management -- Continued	
A. Definitions of Terms or Explanations for Indicators	
The average cost per vehicle includes costs for retrofit equipment	
During FY 96, Field Operations is providing 3 staff years on a temporary basis. During FY 97, Field Ops will provide 6 staff years on a temporary basis	
1) The increase in cases results from the increase in criminal alien cases litigated (compared to non-criminal cases) and the impact of new immigration legislation	
B. Factors Affecting FY 1996 Program Performance	
Investigative staff of 6 reviews all allegations. During FY 94 - FY 96, this same staff also conducted investigations. Additionally, in FY 96, Internal Review limited review scope so analysts would be responsible for review from beginning to end	
C. Factors Affecting Selection of FY 1997 and 1998 Targets	

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GENERAL GOAL #2: Integrated Enforcement									
Element: Remove Criminal and Non-Criminal Aliens (Interior)									
PERFORMANCE INDICATORS INFORMATION		PERFORMANCE TARGETS & ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Increment	1998 Target		
INPUT (Inputs are FTEs expended on removal activities)	Personnel (Total FTE): 1/	1,955	2,038	2,601	3,188	364	3,552		
	Detention Enforcement Officers	646	678	1,020	1,307	159	1,466		
	D&D Supervisory Support	348	365	396	522	62	584		
	Immigration Agents	234	243	327	408	81	489		
	Special Agents	N/A	N/A	35	116	33	149		
	INS Attorneys	456	449	504	508	4	512		
	Inspectors	212	235	286	286	20	306		
	Administrative Support Staff	34	40	N/A	N/A	N/A	N/A		
		25	28	33	41	5	46		
	Non-Personnel: 2/	5,811	6,647	8,592	12,000	3,150	15,150		
	Average Daily Detention Bedspace Number of Detention Days	2,121,133	2,426,243	3,136,231	4,379,989	1,149,628	5,529,615		

Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Increment	1998 Increment
OUTPUT/ACTIVITY	3/ Number of Aliens Detained	81,707	85,730	108,622	154,034	22,349	178,383
	4/ Number of Orders to Show Cause (OSCs) Issued (Deportation)	106,381	137,219	169,972	228,694	8,500	237,194
	Criminal OSCs	49,040	49,258	101,983	137,216	2,430	139,646
	Non-Criminal OSCs	57,341	87,961	67,989	91,478	1,620	93,098
	5/ Number of Referrals to IJs (I-122s) - Exclusion	17,419	19,504	26,299	25,000	2,000	27,000
	Criminal	1,935	1,273	2,630	2,500	200	2,700
	Non-Criminal	15,484	18,231	23,669	22,500	1,800	24,300
INTER-MEDIATE OUTCOME	6/ Number of IHP Interviews Performed	N/A	37,204	39,528	N/A	N/A	N/A
	7/ Number of records entered into NCIC	N/A	N/A	1,257	4,000	2,000	8,000
	Number of records entered into Deported Felon File	N/A	N/A	872	N/A	N/A	N/A
	Number of Deportable Aliens Identified via IHP	N/A	28,365	31,906	31,200	N/A	N/A
	Aliens in IHPs released to INS with Final Orders	N/A	9,317	10,323	8,600	N/A	N/A
	Aliens in IHPs released to INS without Final Orders	N/A	12,968	34,223	11,100	N/A	N/A
	Number of positive responses to NCIC queries						
END OUTCOME	8/ Total Removals (Deportations/Exclusions)	45,508	49,734	68,208	93,000	N/A	N/A
	Criminal Aliens Removed (Includes IHP removals)	30,361	32,029	37,272	55,300	N/A	N/A
	Non-Criminal Aliens Removed	15,147	17,705	30,936	37,700	N/A	N/A
	Subcategories of Removal (All are non-add)						
	IHP Removals	(6,000)	(9,557)	(10,321)	N/A	N/A	N/A
	Administrative Deportations	N/A	N/A	N/A	N/A	N/A	N/A
	Judicial Deportations	N/A	N/A	N/A	N/A	N/A	N/A
	Stipulated Deportations	N/A	N/A	N/A	N/A	N/A	N/A
	NCIC Removals	N/A	N/A	N/A	N/A	N/A	N/A
	Absconder Removals	N/A	N/A	N/A	N/A	N/A	N/A
	Failed Asylum Seekers	N/A	N/A	N/A	N/A	N/A	N/A
	Other Alien Departures						
	No. of Interior Voluntary Returns 9/	N/A	N/A	N/A	N/A	N/A	N/A
	No. of Required Departures under EOIR Docket Control 10/	N/A	N/A	N/A	N/A	N/A	N/A
	No. of Withdrawals 11/						

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Efficiency/ Productivity	% of Aliens with enforceable final orders removed 12	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	% of deportable aliens granted voluntary departure who fail to depart 13/	N/A	N/A	N/A	N/A	N/A	N/A	N/A
A. Definitions of Terms or Explanations for Indicators:								
Inputs:								
<p>1 Personnel Inputs reflect FTE usage related to the removal of deportable aliens. Because base FTE expenditures were not tracked exclusively for removal priority, INS program managers provided estimates based on productive hours expended for certain functions related to the removal priority. Note that for FY 1996, the G-23 Report was used to update the workyears for Detention Enforcement Officers and Deportation Officers. D&D support workyears was pulled from the G-23 report for all non-officer hours and converted into workyears. Inspector workload listed in FY 1994 and FY 1995 was incorrectly included. Estimates for inspector time related to expedited exclusion pursuant to the 1996 Act will be developed, but are not available at this time.</p> <p>2 Detention days and bedspace include funding from the S&E account and the User fee. The User fee funded the following number of detention days in FY 1994-336,657, FY 1995-354,068, FY 1996-312,861, FY 1997-310,000, and in FY 1998-310,000. In addition, in FY 1998, the Immigration Detention account will fund 1,136 beds or 414,640 detention days (combined with 310,000 User fee days and 4,804,975 S&E days for a total of 5,529,615 detention days).</p>								
Outputs/Activities:								
<p>3 Number of Aliens Detained includes all aliens detained by INS, regardless of their length of stay. Of the number of aliens detained, the following numbers were detained using User fee funds in FY 1994-7,228, in FY 1995-6,613, in FY 1996-5,028, in FY 1997-16,145, and in FY 1998-16,847.</p> <p>4 Includes OSCs issued by the Border Patrol, Asylum, Inspections, Investigations, and Examinations.</p> <p>5 Includes I-122s issued by Asylum and Inspections.</p> <p>6 IHP interviews are difficult to project for FY 1997 and FY 1998 due to uncertainties associated with the implementation of the 1996 Act.</p> <p>7 Several variables impeded the development of projections of data entry of NCIC records including DFF cases. Those include the decentralization of the DFF entry, which, when fully implemented, will increase the number of cases entered. In addition, the effects of fully implementing the 1996 Act are not entirely certain and would have an impact on the designation of criminal aliens and thus the entry of NCIC records. Finally, the increase in the number of immigration judges will result in an increase in the number of criminal alien cases that would be eligible for DFF entry.</p>								

End Outcome	
8.	Although some categories are subsets of others, all are presented as separate subsets of the total removal number. This is not an all-inclusive list. The INS will not set a FY 1998 removal target until later in FY 97 to better account for the changes to the removal process brought by the 1996 Act
9	Interior Voluntary Returns Under Safeguard - Aliens apprehended anywhere in the interior of the country who admit their illegal status and agree to be returned immediately in lieu of being issued an OSC
10	Required Departures under EOIR Docket Control - Aliens who have been issued an OSC but who are permitted by immigration judges to leave the country voluntarily in lieu of deportation
11.	Withdrawals - Aliens who withdraw their application for admission after having been referred to an immigration judge for an exclusion hearing
12	Aliens with enforceable final orders who are removed within 6 months of the date that the order became enforceable.
13.	Deportable aliens granted voluntary departure by an immigration judge who fail to depart within the time granted, and thereby become deportable
B. Factors Affecting FY 1997 Program Performance	
1.	Major factors affecting FY 1997 program performance and targets are the delayed hiring and deployment of additional personnel, specifically investigators, detention enforcement, and deportation officers, and immigration agents. This includes unproductive time due to training requirements as well
2.	Availability and allocation of resources (Detention and Deportation, Investigations, Legal, Alien Travel, Detention and Welfare (ATD&W) including availability of bedspace, etc.) involved in the removal of criminal and deportable aliens
3.	Difficulty obtaining travel documents and the cooperation of the aliens' host countries in effecting removals
4.	Availability of EOIR resources, particularly immigration judges, to expedite the removal process Variables such as length of sentence, availability of immigration judges, and the time required to complete hearings directly affect the number of releases with and without final orders and the number of HRP removals
C. Factors Affecting FY 1997 and 1998 Targets	
1.	The most important factors affecting FY 1997, 1998, and beyond are the passage of the 1996 Act and Welfare Reform legislation.
2.	Availability of EOIR resources, particularly immigration judges, to expedite the removal process Variables such as length of sentence, availability of immigration judges, and the time required to complete hearings directly affect the number of releases with and without final orders and the number of HRP removals.
3.	Cooperation of the aliens' host countries in effecting removals

4. Cooperation of State governments in instituting the IHP to expedite removals
5. Delays in appropriations action, hiring, training, and/or deployment of new personnel will impact on INS' ability to achieve its target performance levels
6. Establishment of new codes to track different kinds of removals in the INS database and effectiveness of the linkage between EOIR & INS databases.

General Goal #3: Disincentives for Unlawful Migration *							
Element: Interior Enforcement			03:02 PM				
Performance Indicators Information			Performance Targets & Actual Results				
Type of Indicator	Performance Indicators	1994 Target	1995 Target	1996 Target	1997 Target	1998 Target	
Input	INVESTIGATIONS: Number of Special Agent FTEs 1)	247	238	245	281	281	
Output/ Activity	INVESTIGATIONS: Number of smuggling cases completed 2)	1,157	924	984	1,384	1,384	
Intermediate Outcome	INVESTIGATIONS: Number of on-going Investigations 3)	N/A	N/A	N/A	N/A	N/A	
End Outcome	REGULATE: Ensure the Integrity of the border Principals accepted for prosecutions	1,279	1,434	1,200	1,800	1,800	
* In FY 1996 and FY 1997, anti-smuggling activities were contained under the General Goal of Border Control and Facilitation. In FY 1998, INS proposes to include domestic anti-smuggling activities under the General Goal #3, Disincentives for Unlawful Migration and the corresponding priority Interior Deterrence.							

* In FY 1996 and FY 1997, anti-smuggling activities were contained under the General Goal of Border Control and Facilitation. In FY 1998, INS proposes to include domestic anti-smuggling activities under the General Goal #3, Disincentives for Unlawful Migration and the corresponding priority Interior Deterrence.

<p>A. Definition of Terms or Explanations for Indicators:</p>	<p>NA = Not available</p> <p>1) The decrease in Special Agent FTEs from FY 1994 to FY 1995 resulted from the absorption of unfunded portion of the locality pay increase.</p> <p>2) Note that, effective October 1, 1995, "Smuggling Cases Completed" will track only major cases, i.e., those which relate to organizations which have the capability of moving large numbers of aliens into the interior of the United States; generating over \$25,000 per month, or are labor contractors. Category III (Impact Level II) cases which can include single, unrelated instances of smuggling ("freelance" smuggling) will not be included in this figure.</p> <p>B. Factors Affecting FY 1996 Program Performance:</p> <p>3) "Number of On-Going Investigations" is not accurately captured by the current case tracking system. When the ENFORCE case identification and tracking system is brought on-line, the data will be available.</p>
<p>C. Factors Affecting Selection of FY 1997 and 1998 Targets:</p>	<p>There are no changes in the antismuggling targets for FY 97 and FY 98 since no additional resources are requested and there are no plans to shift the present mix of investigative activity.</p>

General Goal #3: Disincentives for Unlawful Migration									
Element: Interior Enforcement									
Performance Indicators Information									
Type of Indicator	1994 Target	1995 Target	1996 Target	1997 Target	1998 Target				
Input									
Special Agent FTEs	221	213	225	314	343				
Immigration Agent FTEs	0	0	22	67	81				
Border Patrol FTEs	58	58	25	25	25				
Verification Information System (VIS) FTEs	3	27	27	62	62				
Counsel FTE 1)	20	22	22	22	30				
Detention & Deportation Officer FTEs 2)	NA	NA	17	24	24				
Employer & Labor Relations FTE	6	5	8	8	15				
Support FTE (Border Patrol & Investigations)	69	61	73	121	133				
Output									
Worksite visits 3)	7,643	6,855	6,659	9,513	12,142				
# of civil document cases completed 4)	1,674	695	NA	NA	NA				
# of illegal aliens arrested	10,273	10,157	13,848	18,089	20,640				
Employer assistance 5)	15,500	14,000	70,000	100,000	2,000,000				
VIS queries	2,063	0	27,000	140,000	190,000				
Intermediate Outcome									
Unauthorized workers identified (VIS only) 6)	0	315	3,700	19,800	27,000				
Non-compliant employers identified	2,820	1,604	1,555	1,814	2,074				
# of voluntary departures (Pre/Post hearing)	NA	NA	NA	NA	NA				
# of voluntary removals under safeguards	NA	NA	NA	NA	NA				
# of OSCs issued	NA	NA	NA	NA	NA				
# of final orders of deportations	NA	NA	NA	NA	NA				
Employer Sanctions compliance rate	89%	NA	NA	NA	NA				
Removals from U.S.	NA	NA	NA	1,680	1,680				
End Outcome Productivity Efficiency									
Ratio of worksite visits to Agent FTE	27	25	24	23	27				

A. Definition of Terms or Explanations for Indicators:

NA = Not available

Currently, INS tracks and reports financial resources by decision units as identified in budget documents. The above input indicators are sub-components of INS decision units and are not currently tracked in the financial reporting system. However, to provide some basis of relationship between inputs and outputs/outcomes INS has estimated FTEs for Special Agents, Detention and Deportation Officers, General Counsel, and Border Patrol Agents using workload data that is reported by activity. It should be noted that base FTEs are not estimated for Detention and Deportation (D&D) Officers, since D&D worksite enforcement workload data are not available. D&D FTEs for FYs 96, 97, and 98 only include FTEs associated with D&D worksite initiatives.

- 1) The number of Counsel FTE had been erroneously reported from 1993 to 1997. The revised numbers reflect actual workhours for Trial Attorneys working employer sanctions cases and civil document fraud cases as reported on the G-23 report. In addition, Attorney overtime, Headquarters staff Attorney time, and legal support time has been estimated and factored into the target FTE.
- 2) Currently, the INS does not track or report voluntary departures, voluntary removals, orders to show cause, final orders of deportation and removals associated with worksite enforcement. INS is presently modifying existing systems to begin tracking worksite removals. Removal targets reflect enhancements only that were requested.
- 3) Worksite visits are the number of lead driven cases, GAP, National Targeting Plan, and follow-up inspections.
- 4) The reduction in 274 C cases from 1994 to 1995 is a result of on-going litigation that is affecting INS' 274C processing. Given the effects of the ongoing litigation, investigations has not provided estimates for 1996 to 1998 for 274 C cases.
- 5) Employer assistance is the number of employers educated and the number of outreach activities performed.
- 6) Unauthorized workers identified is the number of aliens identified, by the VIS, as not being eligible for employment.

B. Factors Affecting FY 1996 Program Performance:

The furloughs in FY 1996 reduced some types of employer sanctions cases that could be performed. In addition, the furlough did not allow INS to hire and train a large portion of the enhancement of Special Agents and Immigration Agents received in FY 1996.

C. Factors Affecting Selection of FY 1997 and 1998 Targets:

The following factors will affect the targets identified above: other investigative priorities, staffing reductions/turnover, case complexity, availability of evidence, availability of funding, AUSA/INS attorney acceptance of case, AUSA presentation to Grand Jury, INS attorney presentation to DOJCAHO, AUSA/INS attorney prosecution settlement, and cooperation from alien's country of nationality or last residence. Also, GPRA reporting requirements capability may be affected due to unanticipated delay of various management information reporting systems.

Immigration and Naturalization Service
Salaries and Expenses

Financial Analysis - Program Changes
(Dollars in thousands)

Item	Professional Item	
	Information and Records Pos	Amount
Grades		
GS-15		
GS-14		
GS-13	1	57
GS-12	1	\$48
GS-11	32	1,274
GS-9		
GS-7		
GS-6	3	72
GS-5		
GS-4		
Total Positions & Annual Rate		
Lapse (-)	37	1,451
Other than permanent	(19)	(726)
Other personnel compensation		
Total workyears and personnel		
Compensation	18	725
Personal Benefits		218
Travel & transportation of persons		
GSA Rent		350
Comm/Utilities/Miscellaneous		30
Other Services		328
Supplies and Materials		31
Equipment		1,404
Land & structures		
Total program WY & obligations	18	3,086
changes requested, 1998		

Department of Justice
Immigration and Naturalization Service
Salaries and Expenses
Status of Congressionally Requested
Studies, Reports, and Evaluations

1. Public Law 102-395, Section 112 (5), requires a report on the financial condition of the Breached Bond/Detention Account. The requested information is included in the 1998 President's budget request for the Breached Bond/Detention Account.
2. Public Law 101-515, Section 210 (d) (3), requires a report on the financial condition of the Land Border Inspection Fee Account. The requested information is included in the 1998 President's budget request for the Land Border Inspection Fee Account.
3. Public Law 101-515, Section 210 (a), requires a report on the financial condition of the Immigration Examinations Fee Account. The requested information is included in the 1998 President's budget request for the Immigration Examinations Fee Account.
4. Public Law 101-515, Section 210 (a) (5), requires a report on the financial condition of the User Fee Account and progress in meeting the 45 minute standard. The financial condition information is included in the 1998 President's budget request for the Immigration User Fee Account.
5. Public Law 101-515, Section 210 (d) (3), requires quarterly reports on the status of the Land Border Inspection Project.
6. Chairman Roger's 6/7/95 letter requests the submission of a monthly report addressing INS' status in processing applications for naturalization adjustment of status, and employment authorization documents. The August 1996 report has been sent to the Department.
7. Public Law 104-208 requires the INS to develop a 5-year Border Patrol deployment plan by State, which emphasizes staffing levels at the Southwest border to support the greatest areas of illegal traffic. The 5-year plan is to contain staffing targets for each State for each year beginning in fiscal year 1996. The plan was transmitted to the Department on 1/27/97.

8. Public Law 104-208 requires the INS to report to the Appropriations Committees on a quarterly basis, the progress and plans in meeting hiring goals for new Border Patrol agents. Both the third and fourth quarter reports have been transmitted to the Office of Management and Budget.
9. Public Law 104-208 requires the INS to consult Appropriations Committees before a final allocation of all new positions is determined. The Committees expect the new Border Patrol agents and Inspectors to be deployed to the "front-lines" of the border and that INS should review the requirements of States and localities in the central and western regions of the country in its allocation of new personnel. The Hill was briefed on the Deployment Plan on 11/14/96.
10. Public Law 104-208 requires the INS to continue consultation with Appropriations Committees on redeployment of interior Border Patrol agents. An update was provided on 11/14/96.
11. Public Law 104-208 requires the INS in collaboration with the Department of State, submit a plan and timeline that outline a pilot project that includes the automated issuance of visas through electronic data sharing and the automated collection of arrival and departure information. The report is being prepared in INS in conjunction with the Department of State.
12. Public Law 104-208 requires the INS to submit a quarterly report on removals that outlines the number of removals in the following categories: criminal aliens removed, non-criminal aliens removed, Port Court removals, and the number of outstanding orders of deportation or exclusion. The first report was sent to the Department on 1/21/97.
13. Public Law 104-208 requires the INS to aid the Customs Service in developing a report on a plan to develop a pilot dedicated commuter lane (DCL) at the El Paso border. Inspections has been collaborating with the United States Customs Service (USCS) on the report for El Paso DCL. The SENTRI team has had input from all the agencies concerned.
14. A January 25, 1996 letter from the House Committee on Appropriations directs the Department to submit a final plan for the phase down of the Charleston training facility prior to March 1, 1997. A report is being prepared for transmittal to the Department.

Immigration and Naturalization Service Salaries and Expenses Priority Ranking Fiscal Year 1998				
Program	Base Program	Ranking	Initiative	Program Increases Ranking
Border Patrol		1	Professionalism	1
Inspections		2		
Detention & Deportation		3		
Investigations		4		
International Affairs		5		
Intelligence		6		
Legal Proceedings		7		
Training		8		
Management & Administration		9		
Data & Communications		10		
Information & Records Mgmt		11		
Construction & Engineering		12		
Adjudications & Naturalization		13		

Immigration and Naturalization Service
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1996-1998

Category	1996			1997			1998				
	Auth	Reimb	Auth	Reimb	Auth	Reimb	Auth	Reimb	Program Increases	Auth	Reimb
Attorneys (905)	361	105	347	105	347	105	347	347	2	347	104
Asylum Officer (930)	2	7	154	2	7	377	2	37	2	7	377
Paralegal Specialist (950)	516	495	511	495	511	495	511	37	548	495	495
Other Legal and Kindred (900-999)	187	324	187	324	187	324	187	187	187	324	324
Contact Representative (962)	680	891	688	891	688	891	688	688	688	1,018	1,018
General Enforcement & Support (1800-1899)	477	148	466	148	466	148	466	466	466	148	148
Detention and Deportation Officer (1801)	1,183	39	1,101	39	1,101	39	1,101	1,101	1,101	39	39
Detention Enforcement Officer (1802)	182	163	193	163	193	163	193	193	193	163	163
Immigration Agent (1801)	1,836	1,852	1,852	1,852	1,852	1,852	1,852	1,852	1,852	1,852	1,852
Criminal Investigators (1811)	1,337	3,059	1,473	3,226	1	1,474	1,474	1,474	1,474	3,502	3,502
Immigration Inspectors (1816)	5,359	1,141	6,233	1,230	6,233	1,230	6,233	6,233	6,233	1,201	1,201
Adjudications Officers (1801)	26	4	26	24	26	24	26	26	26	24	24
Border Patrol Agents (1896)	20	9	27	9	27	9	27	27	27	9	9
Other Miscellaneous Occupations (001-099)	233	81	251	90	251	90	251	251	251	90	90
Social Sciences, Economics and Kindred (100-199)	2,135	1,325	2,067	1,273	2,067	1,273	2,067	2,067	2,067	1,291	1,291
Personnel Management (200-299)	185	70	207	71	207	71	207	207	207	71	71
General Administrative and Clerical (300-399)	7	7	7	2	7	2	7	7	7	2	2
Accounting and Budget (500-599)	113	2	132	2	132	2	119	119	119	5	5
Medical, Dental and Public Health (600-799)	48	5	49	5	49	5	49	49	49	5	5
Engineering and Architecture (800-899)	62	13	73	15	73	15	73	73	73	15	15
Information and Arts Group (1000-1099)	2	3	4	3	4	3	4	4	4	3	3
Business and Industry Group (1100-1199)	29	2	29	2	29	2	29	29	29	17	17
Physical Sciences Group (1300-1399)	15	21	25	21	25	21	24	24	24	21	21
Mathematics and Statistics Group (1500-1599)	73	11	93	12	93	12	93	93	93	12	12
Equipment Facilities and Service (1600-1699)	12	11	10	11	11	11	7	7	7	12	12
Supply Group (2000-2099)	79	70	70	70	70	70	7	7	7	70	70
Photography (2100-2199)	12	11	11	11	11	11	11	11	11	11	11
Transportation (2100-2199)	253	4	267	4	267	4	267	267	267	4	4
Other (WFO)	15,424	8,076	16,445	8,601	16,445	8,601	16,433	16,433	16,470	8,940	8,940
Total	15,424	8,076	16,445	8,601	16,445	8,601	16,433	16,433	16,470	8,940	8,940
Washington	1,042	332	1,076	339	1,076	339	1,065	1,065	1,070	328	328
U.S. Field	14,383	7,501	15,320	8,004	15,320	8,004	15,320	15,320	15,352	8,354	8,354
Foreign Field	19	243	47	258	47	258	48	48	48	258	258
Total	15,424	8,076	16,445	8,601	16,445	8,601	16,433	16,433	16,470	8,940	8,940

Immigration and Naturalization Service
Salaries and Expenses
Summary of Appropriate and Support Positions
FY 1987-1988

Appropriated Positions	1987 Appropriation			1988 Change			1988 Requested Level			Total		
	Agency	FTE	Pos	Agency	FTE	Pos	Agency	FTE	Pos	FTE	Pos	FTE
Discretion Unit												
Administration	1,215	1,215	1,215							1,215	1,215	1,215
Immigration	1,215	1,215	1,215							1,215	1,215	1,215
Inspection & Deportation	1,215	1,215	1,215							1,215	1,215	1,215
Investigation	1,215	1,215	1,215							1,215	1,215	1,215
Legal Proceedings	1,215	1,215	1,215							1,215	1,215	1,215
Management & Administration	1,215	1,215	1,215							1,215	1,215	1,215
Training	1,215	1,215	1,215							1,215	1,215	1,215
Unemployment & Welfare	1,215	1,215	1,215							1,215	1,215	1,215
Other	1,215	1,215	1,215							1,215	1,215	1,215
Total	1,215	1,215	1,215	0	0	0	1,215	1,215	1,215	1,215	1,215	1,215
Support Positions												
Administration	1,215	1,215	1,215							1,215	1,215	1,215
Immigration	1,215	1,215	1,215							1,215	1,215	1,215
Inspection & Deportation	1,215	1,215	1,215							1,215	1,215	1,215
Investigation	1,215	1,215	1,215							1,215	1,215	1,215
Legal Proceedings	1,215	1,215	1,215							1,215	1,215	1,215
Management & Administration	1,215	1,215	1,215							1,215	1,215	1,215
Training	1,215	1,215	1,215							1,215	1,215	1,215
Unemployment & Welfare	1,215	1,215	1,215							1,215	1,215	1,215
Other	1,215	1,215	1,215							1,215	1,215	1,215
Total	1,215	1,215	1,215	0	0	0	1,215	1,215	1,215	1,215	1,215	1,215

Immigration and Naturalization Service
Salaries and expenses
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1997 Appropriation Anticipated.....	16,445	15,067	1,605,159
Adjustments to base:			
Transfers to and from other accounts:			
Transfer to Violent Crime Reduction Programs appropriation.....	..	..	-40,138
Transfer to Construction appropriation.....	-13	-16	-15,623
Increases:			
Annualization of 1997 enhancements (net).....	..	843	19,588
Annualization of 1996 enhancements (net).....	..	..	42,975
1998 Pay Raise.....	..	..	19,784
Annualization of 1997 Pay Raise.....	..	..	6,224
CSRS Retirement Adjustment.....	..	..	..
WIG.....	..	..	..
Foreign Allowance.....	..	..	1
Accident Comp.....	..	..	403
Medical Hospital Service Costs.....	..	..	143
Travel Mileage Allowance Rate.....	..	..	52
Correspondence Management System.....	..	..	25
Investigations/Reinvestigations.....	..	..	71
ICASS Conversion Costs.....	..	..	..
ICASS Increase for Staffing & Inflation.....	..	..	220
GPLA.....	..	..	8,976
Spectrum Frequency Management.....	..	..	132
Department-wide Audited Financial Statement.....	..	3	..
Restoration of 1996 FTE Reduction.....	..	227	..
Northern Mariana Island.....	1	1	385
Total, Increases.....	1	1,074	98,979
1998 Base.....	16,433	16,125	1,648,377
Program Changes.....	37	18	3,086
1998 Estimate.....	16,470	16,143	1,651,463

**Immigration and Naturalization Service
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)**

	Pos.	Work- years	Amount
Transfers to and from other accounts.			
Transfer to Violent Crime Reduction Programs appropriation			
A total of \$40,138,000 is to be transferred in 1998 to the Detention and Deportation program of the Violent Crime Reduction Programs appropriation for alien travel, detention and welfare costs associated with increased activities related to the Detention and Deportation program	..		-\$40,138
Transfer to Construction appropriation	-13	-16	-15,623
This transfer to the Construction appropriation combines construction and repair and alteration resources into one account			
Total transfers	-13	-16	-\$55,761
Increases:			
1998 pay raise	...	..	19,784
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the 1998 President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$19,784,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$14,654,000 for pay and \$6,239,000 for benefits = \$19,784,000).			
Annualization of 1997 pay raise	...	...	6,224
This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent, plus appropriate personnel benefits (\$4,609,000 for compensation and \$1,615,000 for benefits).			

1621

843 19,588

Annualization of 1,456 additional positions approved in 1997
 This provides for the annualization of 1,456 additional positions in 1997 Congressional Action for (the
 Inspections, Border Patrol, Investigations, Detention and Deportation, Intelligence, International Affairs,
 Training, Data and Communications, Legal Proceedings, and Management and Administration programs).
 This request includes nonrecurring costs for one-time items associated with the increased positions.

	Approved 1997 Increases	Annualization Required
Annual salary rate of 1,456 approved positions	60,119	34,311
Other personnel compensation	7,290	10,389
Less lapse (56%)	-26,055	37,633
Net Compensation	33,098	47,446
Associated employee benefits	17,052	11,736
Other (non-personnel) .....	...	...
Travel	6,241	2,440
Transportation of Things	3,190	125
GSA Rent	6,048	-852
Communications/Utilities	741	747
Printing/Reproduction .....	...	...
Other Services	61,371	-14,409
Supplies/Materials	6,181	6,140
Equipment	42,441	-31,039
Total costs subject to annualization	176,363	19,588

Annualization of additional positions approved in 1996
 This provides for the annualization of additional positions approved in 1996. The full amount of
 annualization was not needed in 1997 because the new positions were not on board. However, all the
 positions will be on board in 1998 and cannot be properly staffed without full funding.

42,975

Foreign allowances	1
Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$1,000 provides a 1.7 percent increase over the obligations of \$58,824, which are committed for 1996.	
Accident compensation	403
This increase reflects the billing provided by the Department of Labor for the actual costs in 1996 of employees' accident compensation, which will be billed in 1998. The 1998 increased cost will be \$403,000.	
Medical/Hospital Service costs	143
The Department of Health and Human Services is projecting an increase in health care costs. The Department is applying a factor of 5.3 percent against medical services. An increase of \$13,000 will be required for 1998.	
Mileage allowance rate increase	52
The mileage allowance rate has increased from 30 to 31 cents per mile. An increase of \$52,000 is requested in 1998 to cover this rate adjustment.	
Correspondence Management System	25
An increase of \$25,000 is required in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. This new system provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved record keeping, and improved reporting capability.	
Investigation/Reinvestigation	71
Executive Order 10450 "Security Requirements for Government Employees" requires that appointments of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. Additional funding is required to cover the costs of additional contractor support needed to ensure timely compliance with this Executive Order. It is critical to accommodate the Department's security requirements by ensuring investigations and reinvestigations are timely initiated on newly appointed civilian officers and employees.	

ICASS Increase for Staffing Under the ICASS an annual charge will be made by the IXOS for administrative support based on the number of overseas staff for each Federal agency. Because the law enforcement operations of the Department of Justice have increasing international demands, additional overseas staffing since 1995 will result in increased ICASS costs in 1998. Based on the additional overseas staffing, IXOS has provided an increased cost estimate of \$220,000 for this organization in 1998.	220	
Spectrum Frequency Management Public Law 104-134 authorizes the Secretary of Commerce to charge Federal agencies for spectrum management services. The National Telecommunications and Information Administration estimates that the Department of Justice costs for 1998 will be \$723,000 based on the annual number of frequency assignments. Given the dependence of the Department's law enforcement operations on efficient and dependable frequency management, this funding is necessary to continued operations. Funding of \$132,000 is requested for INS.	132	
Northern Mariana Islands Prior to 1998, the Department of Interior reimbursed the Department of Justice for the costs of addressing serious crime problems in the Commonwealth of the Northern Mariana Islands (CNMI). However, beginning in 1998, reimbursement of these costs will not be available. Funding of \$185,000 is requested to maintain current efforts in CNMI.	1	1 385
General pricing level adjustments This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	8,976	
Department-wide Audited Financial Statement An increase of 3 reimbursable FTE to be funded by the Working Capital Fund retained earnings is requested to cover the necessary expenses for the preparation of the Department-wide audited financial statement required by the Government Management Reform Act of 1994.	3	

1624

Restoration of FY 1996 FTE Reduction			
In FY 1996, this account absorbed a reduction of 623 FTE over the FY 1996-1997 time frame. An analysis of the workyears required by this account indicates a total of 227 FTE are required to be restored in FY 1998.	227		
Total, increases	1	1,074	98,979
Total, adjustments to base	-12	1,058	43,218

Immigration and Naturalization Service
Salaries and Wages
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1998 Actual		1997 Appropriation		1998 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
EX-4, \$115,700.....	1		1		1			
ES-14, \$103,897-123,100.....	33		33		33			
GS-15, \$75,835-98,714.....	226		237		226		-11	
GS-14, \$64,525-82,882.....	1,171		1,171		1,171			
GS-13, \$54,825-71,017.....	907		908		908		1	
GS-12, \$45,529-58,725.....	2,182		2,389		2,389		207	
GS-11, \$38,320-49,831.....	1,819		1,783		1,782		-37	
GS-10, \$34,867-45,356.....	46		46		46			
GS-9, \$31,680-41,186.....	4,166		4,413		4,858		442	
GS-8, \$28,617-37,289.....	1,165		1,165		1,165			
GS-7, \$25,553-32,871.....	1,111		1,111		1,111			
GS-6, \$23,305-30,294.....	542		451		455		4	
GS-5, \$20,008-27,183.....	1,875		1,798		1,798		-77	
GS-4, \$18,697-24,298.....	800		575		575		-225	
GS-3, \$16,947-21,841.....	65		65		65			
GS-2, \$15,256-19,203.....	30		30		30			
GS-1, \$13,270-16,971.....	13		13		13			
Workyears	344		344		344			
Locality Pay		\$12,148		\$12,148				
1998 Pay Rates		12,296		12,296				
1997 Pay Rates				18,024				16,024
Total positions	15,424	\$76,616	16,445	\$77,540	16,470	\$77,539	25	\$19,539
Pay adjustments annual rate 1%		1,161		1,161				41,185
Leaves	-3,876	-174,311	-3,397	-128,379	-1,222	-136,860	1,175	-1,001
Savings due to lower pay scales for part of year		-3,073		-4,008		-4,865		-879
Net full-time permanent	11,448	\$61,242	14,048	\$58,821	13,248	\$55,015	1,200	\$3,004
Other than permanent								
Temporary employment	424	17,029	1,019	20,177	895	20,838	-124	459
Other than permanent compensation:								
180/1 Act Overhead	229	13,812	264	15,398	265	16,753	21	1,357
Law Enforcement Availability Pay	372	22,599	429	24,737	458	26,081	30	2,164
Administratively Unavailable Overhead	1,369	84,886	1,812	83,313	1,731	101,752	119	8,239
Other	425	25,819	480	28,825	525	31,121	35	2,496
Special personal services payments		342		1,409		1,409		
Total, workyears and personnel compensation	14,265	\$85,952	17,862	\$70,636	18,143	\$83,687	1,281	\$2,831
Average GS Salary		43,886		44,227		47,195		
Average GS Grade		12		12		12		

Immigration and Naturalization Service
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1998 Actual		1997 Appropriation		1998 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent	11,446	\$501,263	14,048	\$548,921	15,248	\$635,015	1,200	\$48,094
11.3 Other than full-time permanent	424	17,029	1,019	20,177	895	20,636	-124	459
11.5 Other personnel compensation	2,425	147,319	2,795	182,329	3,000	178,907	205	14,278
11.8 Special personnel services payments		342		1,409		1,409		
Total, workyears and personnel compensation	14,295	665,952	17,862	770,836	19,143	835,967	1,281	82,831
12.1 Civilian personnel benefits	185,792		237,754		294,878			27,124
13.0 Benefits for former personnel	2,364		8,433		8,433			
21.0 Travel and transportation of persons	32,218		63,742		60,200			-3,542
22.0 Transportation of things	5,795		9,064		12,795			3,731
23.0 Rental payments to GSA	8,656		8,559		8,718			159
23.2 Rental payments to others	6,556		8,559		8,794			238
23.5 Communications, utilities & misc. charges	20,041		28,950		29,233			283
24.0 Printing and reproduction	2,838		1,870		1,715			45
25.0 Other contractual services	233,115		251,486		212,373			-39,115
26.0 Supplies and materials	61,308		95,221		100,293			5,072
31.0 Equipment	68,933		80,031		82,125			2,094
32.0 Land and structures	4,154		6,345		3,367			-2,978
41.0 Grants	3,561							
42.0 Insurance claims and indemnities	227		174		174			
44.0 Refunds	22							
91.0 Unencumbered	18		50		50			
Total obligations	14,295	1,359,568	17,862	1,605,191	19,143	1,651,463	1,281	46,272
Unobligated balance, start of year		-3,457		-32		-32		
Unobligated balance, end of year		32						
Unobligated balance, started		2,899						
Total requirements		1,359,042		1,605,159		1,651,463		
Relation of obligations to outlays:								
Obligations		1,359,568		1,605,191		1,651,463		
Obligated balance, start of year		381,750		590,466		433,132		
Obligated balance, end of year		-590,466		-433,132		-118,819		
Outlays		1,160,662		1,732,525		1,687,676		

Immigration and Naturalization Service
Salaries and Expenses
Schedule of Motor Vehicles

Method of Acquisition and Type of Vehicle	1995 End-of- Year Inventory	1998			1997			1998		
		Acquired	Disposed	End-of Year	Acquired	Disposed	End-of Year	Acquired	Average Cost	Disposed
Direct Purchase:										
Subcompact sedan	165	10	10	165	6	8	165	7	\$19,619	9
Compact sedan	446	18	13	451	22	16	457	18	\$11,984	17
Midsize sedan	628	531	171	1,188	337	300	1,223	277	\$17,640	336
Large sedan	1,503	143	78	1,570	472	318	1,728	387	\$20,055	354
Station wagon	11	1	1	11	1	1	11	1	\$19,090	1
Van	1,184	518	177	1,595	489	347	1,727	400	\$31,500	387
Utility, 4x2	3	3	3	3	4	4	3	3	\$17,847	3
Utility, 4x4	2	2	2	2	2	2	2	1	\$24,752	1
Carryall, 4x2	2	2	2	2	2	2	2	1	\$24,752	1
Bus	119	28	4	143	34	5	172	28	\$345,400	5
Special purpose:										
4-wheel drive	2,228	246	118	2,354	590	90	2,854	481	\$29,925	102
Other	30	...	...	30	...	...	30	...	...	...
Trucks:										
Pickup	305	25	13	317	30	12	335	25	\$22,000	13
Other	286	1	...	287	1	...	288	1	\$19,000	...
Subtotal purchased	7,086	1,528	568	8,084	1,990	1,101	8,973	1,629	1,228	9,374
Leased:										
Midsize sedan	...	...	...	...	...	...	...	...	...	...
Large sedan	...	...	...	...	...	...	...	...	...	...
Other	2	...	...	2	...	...	2	...	...	2
Subtotal leased	2	...	...	2	...	...	2	...	...	2
Seized or no cost excess:										
Subcompact	12	12	6	18	12	6	24	12	...	6
Compact	7	7	4	10	7	4	13	7	...	4
Midsize sedan	60	9	6	63	9	6	66	9	...	6
Large Sedan	30	2	...	32	2	...	34	2	...	...
Other	628	205	10	1,024	205	10	1,219	205	...	10
Subtotal seized	938	235	26	1,147	235	26	1,356	235	...	26
Total Vehicles	8,026	1,761	614	9,233	2,225	1,127	10,331	1,864	1,254	10,941

Salaries and Expenses
Schedule of Aircraft

Method of Acquisition and Type of Aircraft	1995 End of Year Inventory	1996		1997		1998		End of Year
		Acquired	Disposed	Acquired	Disposed	Acquired	Average Cost	
Direct Purchase								
Fixed Wing	24		1	23				23
Single engine								
Two engine								
Four engine								
Turbo prop								
Jet engine								
Helicopter	5			5	4	2	\$1,100,000	11
Single engine								
Multi engine								
Subtotal purchased	29		1	28	4	2		34
Leased								
Fixed wing								
Helicopter								
Subtotal leased								
Seized or no cost excess								
Fixed Wing	11	1		12				12
Single engine								
Two engine								
Four engine								
Turbo prop								
Jet engine								
Helicopter	57 *	2	1	58				58
Single engine								
Multi engine								
Subtotal seized	68	3	1	70				70
On Loan								
Helicopter	5 **	***	5					
Single engine								
Total Aircraft	102	3	7	98	4	2		104

*Includes eight OH-6A airframes as parts only, not flyable, ten OH-6A aircraft awaiting retrofit, and six airframes retained for parts, not flyable

**Five UH-1H helicopters on loan from the Department of Defense to the Border Patrol

Department of Justice
Immigration and Naturalization Service
Violent Crime Reduction Programs
Estimates for Fiscal Year 1998
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Immigration and Naturalization Service

Violent Crime Reduction Program
Summary Statement
Fiscal Year 1998

The Immigration and Naturalization Service (INS) requests 2,804 permanent positions, 2,141 workyears, and \$732,251,000 in the Violent Crime Reduction Program (VCRP). This request represents a total increase of 1,163 positions, 794 workyears, and \$232,251,000 above the Appropriation enacted for FY 1997 (1,641 positions, 1,347 workyears, and \$500,000,000). This includes transfers, adjustments and restorations to the base, totaling 183 workyears and \$10,606,000.

Total program increases for FY 1998 include 1,163 positions, 611 workyears, and \$221,645,000. This request will enhance INS' ability to further implement its strategy to control the border, reduce crime and urban pressure resulting from illegal immigration, deter unlawful employment of illegal aliens, come to the aid of State and local governments by identifying and removing criminal aliens, and to support records clean-up and centralization efforts. The increases associated with each of these initiatives follow.

Professionalism

The FY 1997 request includes a total of 30 positions, 16 workyears, and \$7,645,000 for assimilating and automating the workforce under the Professionalism initiative. Of this amount, 9 positions, 5 workyears, and \$6,145,000 will enable INS to develop and maintain a professional workforce through the delivery of quality basic, specialized, managerial and employee development training. These resources will help reduce current backlogs in supervisory and advanced training, as well as provide the necessary training for professional development and advanced training of the officer corps and non-officer personnel.

In addition, 21 positions, 11 workyears, and \$1,500,000 will enable INS to dedicate more computer support personnel to the various information technology and mission-critical programs. As new systems and computer infrastructure are deployed nationwide, computer specialist positions are required to effectively manage and provide technical support to the end-users.

Border Control and Facilitation

Under this initiative, INS requests \$51 positions, 221 workyears, and \$89,700,000 to support the Border Patrol's Strategic Border Control Plan, as well as to provide facilitation and control at land ports-of-entry. Of this total, \$50 positions, 220 workyears, and \$62,000,000 will allow INS to build on the successes of continuing campaigns against illegal border activities, such as Operations Gatekeeper and Hold-The-Line. This request will provide 500 new Border Patrol agents and 50 support personnel needed to continue and maintain the accomplishments of the earlier phases of the Strategic Plan in Arizona, Texas, New Mexico, and the eastern portion of the California-Mexico border, and will initiate Phase IV, which includes the Northern and maritime border stations.

In addition, several automation projects are included under the Border Control and Facilitation initiative. For the Inspections program, a total of \$11,500,000 is requested for increased coordination with the U.S. Customs Service on issues affecting land border inspections. The two agencies have developed a joint agreement to fund the installation of license plate readers, the replacement of the Treasury Enforcement Communications System (TECS) terminals, and other port technology. A total of 1 position, 1 workyear, and \$14,000,000 will also support deployment of the IDENT and ENFORCE systems to additional Border Patrol sites, primarily along the Southwest border.

Removal of Criminal and Non-Criminal Aliens

INS requests a total of 422 positions, 293 workyears, and \$95,500,000 to continue its efforts in criminal and non-criminal alien removals. The FY 1998 request will enable INS to enhance its ability to identify, locate, and remove deportable aliens. Of the total, an increase of 223 positions, 186 workyears, and \$60,400,000 is being requested to respond to the new requirements of the Antiterrorism and Effective Death Penalty Act (AEDPA) and sustain current efforts toward removing criminal aliens. These resources will provide 1,339 additional detention bed spaces, including the activation of 300 bed spaces in the Buffalo Service Processing Center, 300 bed spaces in the Krome Lockdown Facility, and 400 bed spaces in the San Diego area. In addition, a total of 199 positions, 107 workyears, and \$35,100,000 is being requested to pursue specific projects that enhance the identification of criminal aliens. Funding requested will expand the County Jail project to additional INS districts, enhance the Law Enforcement Support Center, and expand the criminal record holdings in the National Crime Information Center. These resources will fund an additional 525 State and local bed spaces.

Interior Deterrence

In order to adequately respond to the presence and consequences of illegal migration in the interior United States, especially in the deterrence of unlawful employment and displacement in the workforce, as well as assisting employers to abide by the law, INS is requesting a total of 156 positions, 79 workyears, and \$21,000,000 under the Interior Deterrence initiative. Specifically, in order to deter unlawful employment, this request includes 87 positions, 44 workyears and \$9,200,000 to enhance worksite enforcement in states with high immigrant populations. These resources will also be used to provide employer education through centrally-controlled automated information systems. In addition, to assist employers through further development and expansion of Verification Information Systems (VIS), 69 positions, 35 workyears, and \$11,800,000 are needed to clean-up INS data and records, as well as to improve and expand verification efforts.

Improving Services and Benefits

INS requests a total of 4 positions, 2 workyears, and \$7,800,000 to continue expansion of the corporate database concept and to support the records clean-up and centralization efforts.

The 1998 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

For activities authorized by sections 130002, 130005, 130006, 1310007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), \$550,000,000/1. Amount available until expended, which will be derived from the Violent Crime Reduction Trust Fund, of which \$66,217,000 shall be for expeditious deportation of denied asylum applicants \$317,236,000 shall be for improving border controls, and \$116,527,000 shall be for detention and deportation proceedings. Provided, That amounts not required for asylum processing provided under the expeditious deportation of denied asylum applicants shall also be available for other deportation program activities.	\$373,251,000	(Department of Justice)
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(Department of Justice Appropriations Act 1997.)

Immigration and Naturalization Service
Violent Crime Reduction Programs
Crosswalk of 1997 Changes
(Dollars in thousands)

Activity/Program Enforcement	1997 President's Budget Request		Adjustment for Legal Proceedings Program		Congressional Appropriation Action on 1997 Request		1997 Appropriation Anticipated	
	Pos.	WY Amount	Pos.	WY Amount	Pos	WY Amount	Pos	WY Amount
Inspections.....	810	760				\$13,691	810	760
Borders Patrol.....	171	97			(55)	(28)	116	69
Investigations.....	348	289			176	88	524	377
Detention and Deportation.....								
Intelligence.....								
Subtotal.....	1,329	1,146			121	60	1,450	1,206
Citizenship & Benefits.....								
International Affairs.....	388	261			(388)	(261)		
Immigration Support:								
Training.....	37	31				(24)	37	31
Data and Communications Systems.....	6	4				(28,651)	6	4
Information and Records Mgmt.....								
Construction and Engineering.....						99		99
Legal Proceedings.....	146	102					142	100
Subtotal.....	189	137				(28,576)	185	135
Program Direction Management and Administration.....	7	7			(1)	(1)	6	6
Total, VCRTP.....	1,913	1,551			(268)	(202)	1,641	1,347

Congressional Appropriation Action on the 1997 Request. The Congress approved 1,641 positions, 1,347 workyears, and \$500,000,000 for this account. This was 268 positions and 202 workyears below, and \$42,158,000 above the revised request level. The Congress approved the requested base transfer of \$48,011,000 in funding for the Detention and Deportation program from the Salaries and Expenses account to the VCRP and directed the transfer of 388 positions, 261 workyears, and \$29,567,000 in resources associated with the Asylum program and \$28,922,000 for automation and infrastructure requirements from the VCRP to the Examinations Fee account.

Immigration and Naturalization Service
Violent Crime Reduction Programs
Summary of Requirements
(Dollars in thousands)

	Adjustments to the base			1997 Appropriation Anticipated			1998 Base			1998 Request			Increase/Decrease		
	Perm Pos	Work-years	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount
1997 Appropriation anticipated															
Transfer from Salaries and Expenses appropriation for detention and deportation															
Increases (automatic, nonpolicy)															
Restoration of 1996 FTE reduction															
Annualization and nonrecurring costs of 1997 increases															
1998 Base															
1,641	1,347	\$500,000		1,450	1,206	\$306,493	1,450	1,349	\$341,930	2,424	1,864	\$512,700	974	515	\$170,770
		40,136													
		7,322													
		76													
		107													
		-37,054													
1,641	1,530	510,606													
1,163	611	221,645													
2,804	2,141	732,251													
Program Changes (See Program Narrative for Details)															
1998 Request															
Estimates by budget activity															
1 Enforcement															
2 Immigration Support															
3 Program Direction															
Total															

Immigration and Naturalization Service
Violent Crime Reduction Program
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1996 as Enacted			1996 Actual			1997 Appropriation			1998 Base			1998 Request			Increase/Decrease		
	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount
Enforcement	810	760	\$74,244	810	809	70,823	810	760	\$94,855	810	760	\$45,764	1,360	980	147,764	1,360	980	\$11,500
Border Patrol	116	89	8,768	118	96	8,945	116	89	10,014	116	116	12,263	217	196	218,699	217	196	218,699
Investigations	310	116	38,841	310	45	35,790	314	377	207,564	314	471	245,903	8,277	686	129,627	303	217	83,724
Inspection and Deportation	1,236	945	122,853	1,236	720	115,066	1,450	1,206	308,493	1,450	1,349	341,930	2,424	1,864	517,700	974	515	170,770
Subtotal																		
Citizenship & Benefits	368	261	22,136	368	271	18,837												
International Affairs																		
Immigration Support	37	31	4,437	37	27	7,558	37	31	2,197	37	35	2,246	46	40	8,393	9	5	6,145
Training	5	5	155,400	5	5	189,564	6	4	164,166	6	7	145,157	32	21	174,019	26	14	25,860
Office of Information and Records Management																		
Construction and Engineering	142	77	10,248	99	75	8,793	142	100	12,377	142	132	12,704	196	160	17,344	54	27	4,640
Legal Proceedings	164	111	170,184	164	105	186,034	185	135	178,839	185	175	453,209	343	296	211,893	158	81	48,684
Subtotal																		
Program Director	6	6	878	6	3	899	6	6	14,668	6	6	5,467	37	21	7,658	31	15	2,191
Administrative and Management	1,814	1,323	315,851	1,814	1,050	320,828	1,841	1,347	500,000	1,841	1,530	510,606	2,604	2,141	732,251	1,163	611	221,645
Total VCRIF																		
Total Workyears		1,323			1,050			1,347			1,530		2,141				811	
Other workyears		90			90			137			137		238				102	
Overtime																		
Total comparable workyears		1,413			1,140			1,484			1,667		2,380				713	

**Immigration and Naturalization Service
Violent Crime Reduction Programs
Program Performance Information**
(Dollars in Thousands)

The Violent Crime Reductions Program account was established in the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322), as amended. Appropriations are derived from the Violent Crime Reduction Trust Fund and remain available until expended. Resources from the fund are to augment immigration law enforcement activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Act.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Border Patrol			
1997 Availability	810	760	\$94,855
1998 Base	810	760	85,764
1998 Estimate	1,360	980	147,764
Increase/Decrease	550	220	62,000

BASE PROGRAM DESCRIPTION:

- The function of this program is to deter or prevent illegal entry or locate and apprehend aliens and other illegal entrants at or near the border. In addition, the Border Patrol has primary responsibility for drug interdiction between ports-of-entry. Border Patrol officers engaged in surveillance activities to prevent entry or apprehend those who have illegally crossed the borders are supported by computer-monitored electronic ground sensors that alert them to illegal entries. Additional support is provided by observation aircraft, low light level television systems, and infrared viewing devices. Patrol officers use a wide assortment of vehicles adapted to local terrain and operational requirements, including motorcycles, all-terrain vehicles, boats and horses. In addition, line watch traffic check operations are conducted along major routes of travel to restrict access to the interior by illegal aliens. Transportation centers are placed under surveillance for the same reason. The Patrol conducts numerous interagency drug task force operations with other Federal, State and local law enforcement agencies through its participation in

Operation Alliance along the southern border. To further assist the Border Patrol in this endeavor, all Border Patrol agents receive Drug Enforcement Administration Title 21 cross-designated authority in their basic training at Glynco, Georgia.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Investigations			
1997 Availability	116	69	\$10,074
1998 Base	116	118	10,263
1998 Estimate	217	196	21,809
Increase/Decrease	121	78	13,546

BASIC PROGRAM DESCRIPTION:

- The functions of this program include the detection of criminal law violations and the identification of violators through covert operations and other investigative procedures, and initiate criminal prosecution or administrative action. Many of the cases investigated involve violators associated with large-scale, highly organized criminal conspiracies. Quite often, these criminal alien organizations are simultaneously engaged in other illegal activities such as racketeering, alien smuggling, counterfeiting, prostitution, official corruption, narcotics, weapons trafficking and extortion on an international scale. Special Agents identify these organizations through interviews, the use of informants, surreptitious surveillance, as well as undercover and task force operations. Investigative task force operations concentrate the resources of a local office, or combine the resources of several offices, to identify the members and activities of a criminal organization.
- IRCA and other statutes mandate expeditious identification and processing of aliens convicted of deportable offenses. During FY 1992, the Department of Justice (DOJ) conducted a survey of Federal and State correctional systems and submitted a report of its findings to the Senate and House Judiciary Committees. The survey reflected that over 57,000 foreign-born nationals (FBN) were currently incarcerated (based on felony convictions) in the nation's Federal and State penitentiary systems. Currently, INS is unable to accurately determine the total number of prison inmates in the United States who are "criminal aliens" as required by §510 of the Immigration and Nationality Act of 1990 (IMN/AC '90). However, the INS continues to determine the number of

FBNs as §507¹ of IMMACT '90 is further implemented. It is anticipated that as these and other laws are more fully implemented and the Institutional Hearing Program (IHP) in Federal, State and local prisons is fully operational, the INS will be better able to accurately determine the number of deportable aliens in the prison systems of this country, process them for deportation proceedings and, upon receipt of a final order of deportation and completion of their sentences, remove them from this country.

- The Investigations program is working in close coordination with the Executive Office of Immigration Review (EOIR) to improve and expand (where necessary) the IHP, so that incarcerated alien felons can be identified and processed for deportation proceedings and complete the entire deportation hearing process during the period of their incarceration. Upon the completion of the inmate's sentence, the alien can then be immediately removed from the United States without coming into INS custody, without the attendant delay for continued administrative (deportation) hearings and, most importantly, without being detained at further government expense.
- In 1992, the Service began targeting violent criminal alien gangs in 36 U.S. cities. This effort focuses on violent criminal alien gangs in designated cities where INS special agents, frequently in coordination with other law enforcement officials, seek to identify, apprehend, convict and remove from the United States alien members of these criminal groups and ultimately dismantle their organizations. The Investigations program will continue its commitment to the Organized Crime Drug Enforcement Task Force (OCDETF) and the Violent Gang Task Force (VGTF) and work in coordination with other Federal, State, and local law enforcement agencies to place serious criminal offenders who are aliens into deportation proceedings, and, where applicable, remove them from the United States. In addition, this program is responsible for the management of the Service's assets forfeiture activities.
- The principal goal of the Fraud program is to discourage illegal immigration through fraud and to protect the integrity of benefits and documents legitimately provided to authorized aliens by INS. In an effort to accomplish this goal, INS is aggressively targeting complex criminal organizations involved in immigration fraud for criminal prosecution. One investigation recently completed by INS resulted in the dismantling of one of the largest counterfeit document manufacturing and distribution organizations in INS history. As a result of this investigation, the INS seized 250,000 fraudulent documents valued at over

¹ Section 507 of the Immigration Act of 1990 requires the fifty states (and Guam, the U.S. Virgin Islands, Puerto Rico and the District of Columbia) to submit plans for certified records of conviction for those FBI's that INS has identified as deportable criminal aliens. The states have responded positively to this requirement of law. As the law is being implemented, investigations staff are able to obtain, more expeditiously and systematically, information required under the law. Therefore, the incarcerated criminal aliens will be able to begin the IHP more efficiently. The availability of records of conviction expedites processing of aliens for deportation, and greatly facilitates the administrative hearing process.

\$7 million, two printing presses, counterfeit currency, and handguns. With regard to alien smuggling, the growing problem of Chinese alien smuggling by sea is of particular concern. In FY 1993, six boats were seized in United States territorial waters with Chinese nationals seeking asylum. The boat smuggling investigations are complex, expensive, and international in scope. One recent smuggling vessel carried more than 500 illegal aliens. Boat smuggling investigations involve interpreter costs, domestic and international travel, specialized equipment needs, large numbers of smuggling suspects, and high witness and prosecution costs. There were also ten boats intercepted before reaching U.S. waters. This has changed the dynamics of Chinese smuggling operations. The smuggling continues but the interception is occurring primarily outside the U.S. Instead of boats with large numbers of people, the matriculation appears to be in smaller numbers and under a variety of illegal entry methods. This is expected to increase the number of smuggling attempts and, therefore, smuggling investigations in the near future.

ACTIVITY: ENFORCEMENT

	Perm.	FTE	Amount
Detention and Deportation			
1997 Availability	524	377	\$201,564
1998 Base	524	471	245,903
1998 Estimate	827	688	329,627
Increase/Decrease	303	217	83,724

BASE PROGRAM DESCRIPTION:

- The Detention and Deportation program is a critical element in the structure of the Service. Its functions are the detention, exclusion, expulsion, removal, parole and deportation of aliens. Service and non-Service (contract) facilities are used to detain, until ready for removal, those aliens subject to deportation or exclusion proceedings who are likely to abscond or whose freedom at-large would clearly represent a danger to public safety and security. In the performance of the deportation function, the Service maintains a system of controls that ensures that every case involving a deportable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly. In Fiscal Year 1997, a total of \$48,611,000 has been transferred from the Detention and Deportation program of the Salaries and Expenses appropriation to the Detention and Deportation program of the VCRP for alien travel, detention, and welfare costs associated with increased activities related to the Institutional Hearing Program (IHP). For FY 1998, an additional \$40,138,000 is proposed for transfer to the VCRP.

- The D&D program promptly removes deportable and excludable aliens and avoids detention to the greatest extent possible. The D&D program: tracks the cases through the Institutional Hearing Program (IHP); updates the necessary data bases; provides case status updates to inmates and their attorneys; obtains required travel documents; makes the necessary travel arrangements, including notification to foreign governments; executes the warrants of deportation; and physically removes criminal aliens from the country (including providing overseas escorts when necessary to protect the traveling public or to ensure the criminal's arrival at the intended destination).

ACTIVITY: IMMIGRATION SUPPORT

	Perm.	FTE	Amount
Training			
1997 Availability	37	31	\$ 2,197
1998 Base	37	35	2,248
1998 Estimate	46	40	8,293
Increase/Decrease	9	5	6,145

BASE PROGRAM DESCRIPTION:

- The Training program provides the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of the INS workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organizational needs. The program is accomplished in a variety of ways: through residential training at the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia (basic officer training) and at Artesia, New Mexico (journeyman-level officer training); through programs conducted by other Federal agencies; by private contractors; or in combined presentations using INS and non-INS resources.
- INS activated a satellite training facility at Charleston Naval Base, South Carolina in April 1996. As of August 1996, the Charleston facility will be used exclusively for Border Patrol training. Five Border Patrol classes are to be conducted at the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia in FY 1997. All other INS officer training, both basic and journeyman-level, will be conducted at one of the FLETC facilities at Glynco, Georgia, or Artesia, New Mexico, or will be provided via exportable modules at employees' duty stations.

- The Training program ensures basic training for all new officers and advanced and technical training for journeyman officers, and periodically updates curricula for the basic and advanced training programs
- The Training program provides mandatory training for INS supervisors, managers, management officials and executives, and provides progressive technical and specialized training for professional, technical, and clerical personnel who support agency operations.
- New training technology will afford the INS an opportunity to provide continuous training for all INS employees at or near their duty station, reducing travel costs, and internal and external costs that come with having to train off-site. While certain requirements such as basic training, firearms and driver training, and other courses involving group interaction and practical exercises, may justify a group/residential learning environment, many learning objectives can be addressed by distributed learning packages utilizing video cassettes, workbooks, training pamphlets, and computer-based instruction and, in certain instances, video conferences. This training can be learner-based, self-paced, ongoing, and reusable. Distributed learning technology allows for disseminating information, increasing certain skills, increasing abilities to get the job done, and change attitudes.

ACTIVITY: IMMIGRATION SUPPORT

	Perm.	EIE	Amount
	Pos.		
Data and Communications			
1997 Availability	6	4	\$164,166
1998 Base	6	7	148,157
1998 Estimate	32	21	173,017
Increase/Decrease	26	14	25,860

BASE PROGRAM DESCRIPTION:

- The Data and Communications Program provides direct support for operational programs as well as administrative support functions of the Service. Congressional action on the FY 1997 budget request provided for the transfer of \$26,922,000 in funding for the Data and Communications Program from the Violent Crime Reduction Programs appropriation to the Immigration Examinations Fee account. There are seven major technology programs (initiatives) included under the Data and

Communications program funded by this appropriation, plus the functions collectively known as Information Resources Management (IRM) Operations. The seven program areas, each of which consist of one or more projects in addition to the normal operations and maintenance required for existing systems and technologies, are: 1) Infrastructure 2) Examination Systems, 3) Inspection Systems, 4) Enforcement Systems, 5) Biometric Identification Systems, 6) Corporate Information Systems, and 7) Management Systems (financial and administrative). IRM Operations includes the functions necessary to support the activities of the Data and Communications Program. Through development and implementation of these initiatives, the Service will improve the effectiveness and efficiency of Service functions through the use of automation, provide for the operation of data and communications networks, and provide radio communications, telephone call handling, intrusion detection sensors, and electronic security equipment and systems. INS automation efforts are designed to directly support efforts to control the borders of the United States, reduce incentives for unauthorized employment and benefits, and remove criminal and non-criminal aliens. In FY 1998, INS will complete the development and deployment activities initiated in FY 1995 through FY 1997, and provide the necessary operations and maintenance services to ensure the effective and efficient operation of the installed base of technology systems. The INS will continue to place an emphasis and priority on its role as a repository of the Nation's records on immigrants, visitors, and illegal entrants, as well as on meeting the customer needs for enhanced technology services and information. A brief description of each of the six major automation programs follows:

- **Infrastructure** - The IRM Infrastructure Program provides standard office automation hardware and software to support improved communications and interoperability between INS sites. Through the use of these products, the INS workforce will effectively and efficiently communicate, share data, and provide professional products and services that support customer requirements. The Infrastructure Program encompasses three significant IRM activities. The first and most significant of these activities is Infrastructure Deployment where the primary goal is to equip each INS office with standard integrated sets of office automation hardware, software, and LAN configurations, along with the WAN and telecommunications backbone through which remote and centralized systems and the corporate database are accessed. The second activity, Infrastructure Support, encompasses the full range of ongoing services to support the technology and systems architecture. Included are hardware maintenance, Facilities Operations Support (FOS), help desk operations, training, and data communications. Hardware maintenance provides the necessary services to ensure ADP equipment is maintained in operating order consistent with manufacturer specifications. The FOS contract provides on-site user support to INS facilities throughout the United States. FOS also provides INS help desk operational support and computer operations and production control services for Headquarters. Training includes training in the use of the office automation hardware and software, and computer network training to the field to support the modernized computer systems that have been and continue to be installed in INS field offices. Data Communications provides data communication circuits that allow operational users to access INS centralized

ADP systems from offices world-wide. The third activity is the Video Teleconferencing (VTC) initiative in support of the Service's Institutional Hearing Program (IIP). The VTC provides for audio and video connectivity between distant INS locations to support INS hearings and legal proceedings.

- By the end of FY 1996, standard office automation hardware and software from the Infrastructure Deployment Project was installed at 238 sites (37 percent of the original 641 planned sites). In FY 1997, INS expects to install the standard infrastructure at an additional 213 sites (approximately 33 percent of the 641 planned sites). In FY 1998, INS expects to install the standard infrastructure at the remaining 190 planned sites (approximately 30 percent of the original 641 planned sites) plus an additional 109 facilities that have been established to accommodate INS workforce growth since the inception of the Infrastructure Deployment Project. In FY 1998, IRM will also provide continued hardware and software maintenance, upgrade software licenses and system components as required, and provide on-site user support to address site-specific needs for operations and maintenance services.

- Examination Systems** - The Examination Systems Program provides for an integrated set of functions that incorporate all individual case-work-oriented subsystems used to support the processing of applications and petitions for immigration benefits and associated processes such as the production of immigration documents. These functions and processes include employment authorization, asylum, resident alien processing, and citizenship application and processing for naturalization.

In FY 1998, INS will provide services to operate and maintain the Examinations information technology systems developed and deployed in FYs 1995 through 1997. Such services include: making corrections to existing software to eliminate functional errors, failures, and deficiencies that could affect operational performance; modifications in response to legislative and/or policy changes; the costs for maintaining and upgrading licenses to existing application-specific software; and the costs for maintaining validation and verification capabilities that can be used to test application systems before they are deployed and placed into operation.

- Inspection Systems** - The Inspections System Program supports efforts to control admissions at ports-of-entry and enhance the INS inspection function. Three major automation efforts included under this program are the Interagency Border Inspection System (IBIS), the INS Passenger Accelerated Services System (INSPASS), and the Dedicated Commuter Lane (DCL).

IBIS, a system operated jointly with the U.S. Customs Service and Departments of State and Agriculture is used at ports-of-entry to facilitate inspection and to identify criminals. IBIS is currently installed at major air and land border ports-of-entry. INSPASS is an automated inspection system for low-risk, frequent travelers using automated inspection kiosks. This system is

currently installed at several of the Nation's major international airports. DC1 allows border crossers already inspected by INS to use automated verification instead of manual inspection. This program will develop and deploy machine readable travel documents, that will allow for positive identification of air travelers destined for the United States.

A combination of technology and advanced production techniques will produce entry documents that are fraud resistant and easy to use. Profile scanning and a sophisticated worldwide law enforcement network will quickly and accurately identify persons of interest. Smart card technology with positive identification features will facilitate the quick and accurate inspection of low-risk, frequent land travelers. Technology will allow for improved service to the public while increasing the number of inspection hours devoted to high-risk activities.

In FY 1998, INS will provide services to operate and maintain the Inspections information technology systems developed and deployed in Fiscal Years 1995 through 1997.

- **Biometric Identification Systems** - The INS is developing a single fingerprint-based identification system that will enable the Service to rapidly and accurately identify persons of interest. IDENT is the current INS fingerprint-based identification subsystem that is and will be used by Service law enforcement and benefit systems to assist in the positive identification of persons who are arrested, as well as those who apply for benefits, including the identification of travelers referred to secondary inspection processing and for automated inspection.

During FY 1996, the INS began deployment of IDENT across the Southwest border. In FY 1997, INS expects to pursue implementation of this technology to expand the IDENT records storage, fingerprint matching capacity, and trends analysis for the existing installed sites along the Southwest border, as well as additional interior enforcement sites. In FY 1998, INS will continue to deploy the IDENT system to INS sites and provide the necessary services to support and maintain the capabilities of the system.

- **Corporate Information Systems** - This program seeks to integrate and consolidate, where appropriate, INS information and enhance records management capabilities while supporting a secure, open system environment. In FY 1997, the INS will continue efforts to re-engineer INS data repository systems to streamline access to alien information. This program will ensure that data collected is correct and will follow the same naming and attribute standards across all agency systems requiring use of the data. In FY 1997, the INS will also develop and deploy a Common User Interface that provides a front-end to existing INS systems as a means to ensure data collection integrity and to streamline access to alien information. The INS will also build imaging capabilities to provide electronic access to INS paper file information and provide for use in specific programs such as

FOIA/PA. New and enhanced statistical capabilities and name search methodology will improve our corporate decision functionality.

Also under this program, the Verification Information System (VIS) will support the confirmation of an alien's immigration status, eligibility for certain entitlement benefits, and authorization to work. INS recently expanded employer participation in the pilot verification program for employment eligibility to over 1,000 employers. In FY 1997, the Service anticipates continued implementation of systems that strengthen Service efforts in the area of worksite enforcement.

In FY 1998, INS will continue with its efforts to develop and deploy an imaging capability that will allow for electronic access to INS paper file information. The INS will also continue to re-engineer its data repository systems to streamline and improve its corporate information systems and the data contained in those systems.

- **Management Systems** - The Management Systems Program includes the development, implementation, and maintenance of financial and administrative applications providing decision-support information on INS workload, personnel, and financial resources. During FY 1996, INS continued development of plans to implement a cross-servicing agreement for a new financial management system. During FY 1997, the Service will finalize plans to implement the core financial and administrative systems by October 1, 1997.
- **Enforcement Systems** - In FY 1998, INS will continue with the deployment of ENFORCE Phase II at designated INS sites and the continued implementation of the EVRP. The INS will also continue providing services to support and maintain the applications systems that support the Enforcement Systems Program (i.e., ENFORCE and ICAD), and the radios, scopes, sensors, and night vision equipment deployed.
- **Information Resource Management (IRM) Operations** - IRM Operations consists of the planning, policy development, acquisition management, computer security, field and program support, and management activities required to support the technology requirements of the Service. IRM Operations provide the strategic direction and tactical implementation strategies for the effective and efficient development, deployment, and maintenance of automated information resources.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Construction & Engineering			
1997 Availability	\$99
1998 Base	100
1998 Estimate	100
Increase/Decrease

BASE PROGRAM DESCRIPTION:

- The function of this program is to provide for the acquisition, design, construction, alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the INS is the owning or leasing agency. Space is acquired through the General Services Administration (GSA) by lease and by INS construction.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Legal Proceedings			
1997 Availability	142	100	\$12,177
1998 Base	142	133	12,704
1998 Estimate	196	160	17,344
Increase/Decrease	54	27	4,640

BASE PROGRAM DESCRIPTION:

- INS attorneys represent the Service before Immigration Judges, the Board of Immigration Appeals, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and boards of contract appeals. The Legal Proceedings program provides litigation support in agency litigation conducted in U.S. District Courts, Courts of Appeals, and the Supreme Court. Attorneys provide advice to the Commissioner, Regional Administrators, District Directors, and Border Patrol Sector

Chiefs on legal matters arising at all levels of agency operations. The attorneys also assist interagency task forces in developing cases and removal strategies for criminal aliens.

ACTIVITY: PROGRAM DIRECTION

	Perm. Pos.	EJE	Amount
Management and Administration			
1997 Availability	6	6	\$14,668
1998 Base	6	6	5,467
1998 Estimate	37	21	7,658
Increase/Decrease	31	15	2,191

BASE PROGRAM DESCRIPTION:

- The Management and Administration program provides management direction and support for the implementation and operation of regional and field activities and functions to those managers and supervisors who are responsible for and exercise authority over multiple programs;
- Executes the provisions of the INA and related policies through the development and implementation of immigration programs and the management of resources;
- Provides for the development, implementation, direction, operation and evaluation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements;
- Provides executive direction and control of INS; and
- Furnishes accurate and prompt responses to Congressional and public inquiries, administers and maintains effective budgeting and financial management systems, performs audits, conducts internal investigations, provides informational responses to inquiries from GAO, OIG, OMB and Departmental offices, develops and evaluates policies and systems to improve the effectiveness of the INS' programs.

Professionalism Initiative

VCRP

(Dollars in Thousands)

	Positions	Workyears	Amount
Training	9	5	\$6,145
Data and Communications	21	11	1,500
Total	30	16	\$7,645

Proposed Actions

In recent years, INS has expanded and intensified program activities in the areas of enforcement, deterrence, and benefits. This expansion has facilitated the entry of legally admissible individuals to the United States, prevented illegal entry and improper granting of benefits, has resulted in increased apprehensions and removals of illegal aliens, and the enforcement of immigration laws at the worksite. Program expansion, though, has placed a strain on the basic infrastructure of INS and the ability of INS to assimilate thousands of new employees into the organization. Infrastructure and assimilation issues are highlighted through the inability of INS to provide necessary training, vehicles, equipment, facilities, and administrative, legal, and information management support required by the workforce. These basic infrastructure and assimilation resources are critical to enable the INS workforce to effectively manage program requirements and to promote professionalism and success in the priorities of INS.

INS must build and maintain its infrastructure base and provide sufficient mission support to maximize the efficiency and effectiveness of the workforce. In FY 1997, INS received resources to begin addressing the deficiencies in the infrastructure base and mission support. In FY 1998, basic operational support requirements must be addressed further for INS to fully achieve its goals. Additionally, initiatives developed and implemented with resources from the Violent Crime Reduction Trust Fund between FY 1995 and FY 1997 must now also be maintained. It is imperative that INS focus its efforts and resources on promoting professionalism through the continued restoration and maintenance of the infrastructure base and mission support as we move into FY 1998.

The INS Professionalism initiative will focus its efforts and resources on the delivery of mission-critical support to INS components to maximize the effectiveness and efficiency of the INS workforce. INS will focus on assimilation of the thousands of new employees into the organization.

INS will insist upon the recruitment and clearance of a highly qualified, diverse workforce that is equipped to manage the rigorous demands of each job to promote success in the workforce. With increased capacity and innovative training methods, INS will expand its ability to provide officer and non-officer corps training to its workforce. INS will also complete full deployment of the technology infrastructure to all INS offices and fully support operations and maintenance requirements of the deployed hardware and software systems.

INS intends to accomplish the above goals through the implementation of the following objectives

Professionalizing and Assimilating the Workforce

	Positions	Workyears	Amount
Training	9	5	\$6.145

This initiative includes 9 positions, 5 workyears and \$6.145,000 for the Training program. These resources will allow the INS to develop and maintain a professional workforce, a workforce which has grown by 38% since January 1994, through the delivery of quality specialized, managerial and employee development training. The level of requested resources is based on the existing training backlog information determined through training needs analyses, field surveys and historical data. The Training program will have to locate outside facilities or alternative methods in order to provide advanced training for additional employees. If sufficient resources are not committed to provide training on a recurring basis to all INS employees, INS can not ensure that its workforce is being utilized to its full potential. In addition, an under-trained workforce will increase INS' liability exposure and criticism from Congress and the public. Timely training will ensure that the INS Officer Corps are kept current with policies and procedures, thus reducing potential liability costs. This is particularly true now with the recent and substantial legislative changes affecting INS operations (Anti-terrorism, Welfare Reform and Immigration Bills). As a result of these changes, the entire workforce requires retraining.

The resources requested for the Training Program will provide the following

Supervisory and Managerial Training (\$1,963,000)--

Basic Supervision (\$393,000)-- With the increased levels of hiring new recruits, experienced employees will need to be promoted into the supervisory ranks at a commensurate rate. These resources will provide 10 classes for new supervisors. Each class will have 24 students and requires \$26,400 for travel, as well as \$12,000 for materials, supplies and instructors. Without additional resources to fund these classes, this would leave INS vulnerable to unacceptable risks in potentially life threatening situations.

Advanced Supervision (\$234,000)-- For many years, due to the excessive demands for basic training, INS provided no training to its supervisors beyond basic supervisor training. This request will allow the Training program to conduct 6 advanced supervision classes of 24 students each. Each class requires \$38,400 for travel and tuition.

Management Training (\$308,000)-- This request will provide resources for 8 classes of management training for second and third level managers. Each class will have 24 students. It is important that these managers be trained in the managerial competencies in order to be successful in leadership, decision making, and problem solving rolls. Each class costs \$1,600 per manager for travel and tuition.

Executive Training (\$128,000)-- INS has provided only sporadic training to its top level managers (SES and GS-15 employees). This training will enable top level managers to cope with the organizational and cultural changes that are occurring in INS through its hiring effort. This course will cost \$58,500 each for 2 classes and includes costs for travel and tuition.

Distributed Learning (9 Positions, 5 Workyears and \$1,987,000)--

Historically, INS has had to focus most of its training resources on basic training, resulting in a continuous accumulated need for training the rest of the workforce. The need and demand for training INS' widely-disbursed workforce has increased. The resources requested will allow the Training program to continue implementing distributed learning modules to provide training at or near the employee's duty station to reduce travel costs. The cost of conducting a residential training program can be reduced by 50 percent utilizing distributed learning methodology.

Advanced Training (\$2,260,000)--

This request will provide the resources required to allow for the long range career development of journeyman-level employees. The backlog in advanced training has increased dramatically with the increase in the size of the INS workforce and the limited amount of journeyman-level training that has been conducted. The average officer corps employee is only receiving advanced training after nine years

of service. The standards call for journeyman-level employees to receive formal training every three years. The inability to provide timely training is unacceptable considering that these officers exercise general arrest authority and are authorized to use deadly force. This request will allow INS to begin to address existing backlogs and become current in providing journeyman and advanced officer training. To avoid adverse publicity and costly litigation because of errors made by INS employees, this request for advanced training is crucial and a key element in INS' goal to improve professionalism in its workforce.

	1996		1997		1998	
	# to be Trained	End-of-Year Backlog	# to be Trained	End-of-Year Backlog	# to be Trained	End-of-Year Backlog
Advanced Training	5,266	5,016	7,209	5,889	9,823	6,487

Individual Career/Professional Development and Procurement Training (\$469,000)--

The resources requested include \$409,000 to provide career and employee development training administered at the local level. Individual career development training has been inadequately funded. Field managers have been required to use operational funding to support this critically needed training. The following types of career and employee development training will be funded with these resources: EEO; correspondence study courses; tuition assistance; officer survival training; Special Emphasis Program Management (SEPM) training; retirement training; and other program specific courses.

Also included in this request is \$60,000 for professional development. This initiative includes resources to be used to ensure compliance with the Government Performance and Results Act and the National Performance Review initiatives regarding decentralizing and reinventing Human Resources Management programs. The regulations and the processes involved in how we do business are evolving dramatically. Current business practices require evaluation and redesign to include retraining of employees to manage work effectively. The Office of Personnel Management has eliminated the Federal Personnel Manual and is commercializing the recruitment and examining process. Without adequate funding for this initiative, INS will experience increased costs for services and reduced productivity, which will ultimately result in a significant decline in customer satisfaction. The ability of INS to meet its hiring mandates will be jeopardized. Also included in this request is funding for basic procurement training. Each fiscal year, the base training budget does not provide

procurement regulation training. These resources will allow the procurement division to keep current with the complex changes in procurement regulations.

Automating the Workforce

	<u>Positions</u>	<u>Workyears</u>	<u>Amount</u>
Data and Communications	21	11	\$1,500,000

21 positions, 11 workyears, and \$1,500,000 are requested to support the nationwide automation programs of INS by augmenting the depth of support devoted to the various information technology and mission-critical programs of INS. With these enhancements, INS will maintain and support the information technology base that has been built over the past three years with funds from the Violent Crime Reduction Trust Fund. INS must now ensure that it can properly support the systems placed in the field with commensurate increases in personnel support. These enhancements will enable INS to capitalize on emerging technology, provide innovative solutions to achieve efficiencies in the workforce, and continue productivity gains of the individual worker.

12 positions, 6 workyears, and \$847,000 is requested to enhance the IRM Infrastructure program. This request includes 10 positions, 5 workyears, and \$691,000 to provide support for the nationwide automation program. These positions will be based in the field but will report to Headquarters IRM in order to provide assistance, facilitate coordination, and improve communication with the field on national ADP issues such as: data communications services and standards, network management, training coordination including training on national systems, on-site Facilities Operations Support (FOS) contractor management, and other end-user computing issues such as hardware maintenance, software licensing, inventory management, and Help Desk support. The remaining two positions, one workyear, and \$156,000 are required to augment Headquarters capacity to provide data communications/network management support and Unix systems programming support to the Agency.

1 position, 1 workyear, and \$71,000 will support the Examination Systems program. This position will be headquarters-based and will support CLAIMS re-engineering, FBI fingerprint process matching, and quality assurance/customer support.

- 1 position, 1 workyear, and \$79,000 will augment the Inspections Systems program with this position assigned to support departure control and automated permit port/border crossing initiatives.
- 1 position and \$71,000 will support the Enforcement Systems program for electronics maintenance and support.
- 1 position and \$71,000 is required to support the Biometrics Systems program. This position will be assigned to external law enforcement coordination and mobile support.
- 2 positions, 1 workyear, and \$150,000 will enable needed focus to be placed on the Corporate Information Systems program. Several initiatives under the Corporate Information Systems program require additional support including Oracle database applications support, Year 2000 changes, and automation support for records initiatives including record centralization/consolidation and automation of A-files.
- 2 positions, 1 workyear, and \$150,000 will augment support to the Management Systems program of INS including support for Internet Web site support, Intranet, electronic information sharing, automation of manual processes, and integration of administrative systems.
- 1 position, 1 workyear, and \$79,000 will provide IRM operations support in the Field and Program Management unit. This position will enhance regional and field coordination and administration/audit operations of IRM. This position is crucial to enable IRM to coordinate field IRM activity, to manage and execute IRM outreach, communications, and assessment programs, and to be responsive to increasing external oversight requirements placed on IRM relating to the Agency's information technology program.

Border Control & Facilitation Initiative
Violent Crime Reduction Program
(Dollars in thousands)

	Positions	Workyears	Amount
Inspections	...	...	\$11,500
Border Patrol	550	220	62,000
Data & Communications	1	1	16,200
Total:	551	221	\$89,700

* This request includes funding for the following enforcement personnel: 500 new Border Patrol Agents.

Proposed Actions

One of INS' highest priorities is to regulate entry to the United States (U.S.) in a manner that facilitates lawful travel and commerce while ensuring border integrity. In the past several years, INS has achieved considerable success with its border strategies -- INS components have identified and removed more than two million unlawful immigrants per year. Nonetheless, large numbers of illegal aliens continue to enter the U.S., utilizing both traditional means and innovative new avenues. In order to maintain and advance recent gains in the Southwest, INS must further enhance those border control and technical capabilities designed to deter or apprehend illegal entrants along both of the land borders, as well as air and sea locations. At the same time, INS must continue to ensure sufficient legal support, increase efforts to improve customer service, and facilitate the flow of legitimate travel.

The basic strategy of this proposal seeks to build upon INS' recent border control successes at and between the land Ports-of-Entry (POEs), as well as future planned activities, and by implementing expansion strategies into the Northern and maritime border areas. This strategy represents a further maturing of INS' overall strategy of "prevention through deterrence" and supports the logical progression of effort beyond the Southwest border. Specifically, the requested resources will enable INS to move from Phase III and begin Phase IV of the Border Patrol Strategic Plan, originally announced in 1994. It will bring the Border Patrol strength to over 7,000 agents and it will enable the Patrol to improve control of the entire length of the Southwest border: from Imperial Beach, California on the Pacific Coast, to the McAllen Sector on the Gulf of Mexico. At the land border POEs, initiatives to facilitate the entry of low-risk, frequent border crossers, while targeting alien smugglers and port-runners, will continue to be pursued at Northern and Southern ports. INS intends to accomplish the goals of this initiative through the implementation of the two objectives detailed below -- *Control and Facilitation at the Ports of Entry*; and *Control and Facilitation Between the Ports of Entry*.

Control and Facilitation at the Ports-of-Entry
(Dollars in thousands)

Inspections - Data & Communications	Positions	Workyears	Amount
	---	---	\$11,500

Support Joint INS-U.S. Customs Service (USCS) initiatives at land border POEs (\$11,500,000) ---

A total of \$11,500,000 is requested for this objective, which will allow INS to increase control and facilitation of traffic at the land border POEs. INS is dedicated to enforcement of the immigration laws at the POEs while facilitating the flow of traffic for low-risk, frequent border crossers. The INS is also committed to increased coordination with the USCS concerning land border inspections. For FY 1998, INS and USCS have a joint agreement to fund the installation of license plate readers (\$9,500,000); the replacement of the Treasury Enforcement Communications System (TECS) primary terminals (\$1,500,000) and other accompanying permit port technology (\$500,000) at land border POEs. The license plate readers will enhance current operations by eliminating manual keying of license plate numbers by inspectors. This will result in more time for Inspectors to utilize their observational skills to identify high-risk transactions, spot potential alien smugglers, and better anticipate hazardous situations. The replacement of TECS equipment in primary lanes will also improve the inspections process by providing INS and USCS inspectors with up-to-date computer technology and appropriate access to the enforcement databases in IBIS. In addition, INS and USCS will jointly pursue more automated processing technology at small, remote POEs to improve service to the public. These technological improvements will build on the staffing increases received during the past two years and ensure increasing effectiveness in control and facilitation at the land border POEs.

Control and Facilitation Between the Ports-of-Entry
(Dollars in thousands)

	Positions	Workyears	Amount
Border Patrol	550	220	\$ 62,000
Data and Communications	—1	—1	—16,200
Total	551	221	\$78,200

A total of 551 positions (500 Border Patrol agents), 221 workyears, and \$78,200,000 is requested for this objective to allow INS to expand its "prevention through deterrence" efforts into the mature phases of its Border Control Strategic Plan. Further, it will provide the capability for INS to progress beyond the scope of the Southwest border and begin to extend its very successful techniques of focused control to the nation's Northern and maritime borders.

	Positions	Workyears	Amount
Border Patrol	550	220	\$ 62,000
Border Patrol and support positions (550 positions, 220 workyears, \$62,000,000) ...			

A total of 550 positions, 220 workyears, and \$62,000,000 will provide appropriate agent strength and support personnel to deploy necessary resources to meet both tactical and strategic border control requirements. This enhancement includes 500 additional Border Patrol agents and 50 support positions. The requested agent enhancement will exceed the goal set in the Attorney General's March 23, 1995, letter to Congress: will meet the Administration's commitment to have a Border Patrol force in excess of 7,000 agents by the end of FY 1998; and will provide the resources needed to expand the border control efforts which began in Phases I and II of the Border Patrol's National Border Control Strategy. This initiative will allow the Patrol to continue to concentrate on the border areas experiencing high levels of illegal entry attempts as well as to begin to bolster enforcement in areas that are being affected as a result of the resources added in Phases I and II. The Border Control Strategy targets resources in the locations where the illegal alien traffic is expected to shift in order to seek less exposure to detection and apprehension. The border areas of expected increased activity in 1998 will be the South Texas, New Mexico, Eastern California, and the Western Arizona areas of the Southern land border. In addition to those Phase III areas, a major shift is anticipated to begin by 1998 from the traditional Southern land border entry routes to routes on the Northern border and along coastal areas of the Gulf, Pacific Northwest, Great Lakes regions and through Puerto Rico. These Phase IV areas will be targeted for additional resources, as they become available, to counter the anticipated higher levels of illegal entries.

including smuggling operations expected through these areas.

	Positions	Workyears	Amount
Data and Communications	1	1	\$16,200

A total of 1 position, 1 workyear and \$16,200,000 is requested to extend INS' commitment to service-wide deployment and support of the Biometric Identification System (IDENT) and the Enforcement Case Tracking system (ENFORCE), as well as technological support for field operations. This enhancement will provide funding for the completion of systems deployment along the Southwest border and provide for the initial systems deployment to the Northern and maritime borders.

Biometric Identification Systems (1 position, 1 workyear, and \$14,000,000) --

The following biometric system enhancements are requested for FY 1998:

Continued Development and Deployment of IDENT systems (\$4,937,000): This request will provide resources needed to continue the deployment of IDENT (Biometric Identification System) stations to a minimum of 5 INS District Offices and 17 Ports of Entry, progressing into Phase III of the IDENT Deployment Plan. In addition, a portion of the requested funding will be dedicated to further development and improvement of the quality of ID-Print Card submissions, security and interface capabilities (NOTE: An additional \$1,500,000 will be funded by the Immigration User Fee Account and \$1,000,000 will be funded by the Immigration Examinations Account. The total enhancement requested from all accounts for the continuation of the IDENT system is \$7,437,000.)

Mobile IDENT System (\$500,000): These resources will provide a prototype mobile IDENT program for the Border Patrol -- up to a total of 20 units of varying configuration. Mobile IDENT is a much-needed system that will be housed in a rugged, portable workstation and will utilize a variety of communications capabilities, including satellite communications.

Increase Recidivism Database Capability (\$4,500,000): The current recidivist database that tracks and identifies repeat illegal border crossers and criminal aliens for the IDENT system has a maximum capacity of 1,500,000 records. This limit is expected to be reached very soon so expansion of the systems capability is absolutely essential. A total of \$4,500,000 is required to procure the hardware and support material to increase the systems capacity by an additional 500,000 records.

"24x7" Catastrophic Backup Capability (\$2,500,000): There is currently no catastrophic backup capability for the IDENT system. A total of \$5,000,000 is required to establish a "shadow" system at the Justice Data Center in Dallas, Texas, which will continuously and automatically copy and backup the primary IDENT control system and database. This will ensure that, in the event of natural disaster or other calamity, the system will continue to operate 24 hours per day, seven days a week ("24x7") without interruption. **(NOTE: An additional \$2,500,000 will be funded by the Immigration Examinations Account. The total enhancement requested from all accounts for catastrophic backup is \$5,000,000.)**

Operational Access to Law Enforcement Databases (LED) (\$500,000): The resources are requested to begin incremental expansion of IDENT's current capability to identify a subject and determine whether there are indications of a criminal history and/or outstanding warrants from other agencies. Specific systems to which INS is seeking to connect include the FBI's IAFIS and NCIC-2000 systems, the Western Identification Network (WIN), and other systems in California, Texas, New York, Chicago and Miami. Requested resources would cover the cost of specialized terminals, as well as the development of interface software.

On-Site Contractor O&M Support and Oversight (1 position, 1 workyear, \$1,063,000): The critical nature of the IDENT mission throughout the Sectors and Districts requires that its availability be maintained at the highest level possible. This is best achieved by having small teams of IDENT System expert contractors on-site to diagnose and correct problems immediately. Field tests have determined that this is the most cost-effective method. The amount requested will begin moving this concept from its pilot phase to full project implementation. In order to support the various IDENT-related projects, an additional 1 position is requested for INS' Biometric Identification Systems Section. This position will provide both technical support and will oversee contractor operations.

Enforcement Case Tracking and Management System (ENFORCE) (\$2,200,000) --

ENFORCE is the INS' case and report tracking system. Among other things, it automates report writing so that, to a greater extent than ever before, officer and agent manpower are freed to devote their efforts to operational rather than administrative requirements. This request, coupled with additional funding from the fee accounts, will provide resources to expand the ENFORCE system to 25 new sites with the installation of over 900 workstations. **(NOTE: An additional \$1,100,000 will be funded from the Immigration User Fee Account, and \$1,700,000 from the Immigration Examinations Fee Account. The total enhancement requested from all accounts for ENFORCE is \$5,000,000.)**

FY 98 Border Patrol Information Technology Enhancements

	Requested Resources
IDENT (Biometric ID System)	
Continued IDENT development and deployment ^{1/}	\$4,917,000
Mobile IDENT development & deployment	\$500,000
Increase recidivism database	\$4,500,000
Catastrophic backup ability ^{2/}	\$2,500,000
Law Enforcement Database (LED)	\$500,000
On-Site Contractor O&M Support and Oversight	1 position - \$1,063,000
IDENT Subtotal ^{3/}	1 position - \$14,000,000
ENFORCE (Enforcement Case Tracking & Mgmt System) ^{4/}	Install @ 25 sites - \$2,200,000
FY 98 Border Patrol Information Technology Total	1 position - \$16,200,000

- 1/ An additional \$1,500,000 will be funded from the Immigration Users Fee Account and \$1,000,000 will be funded from the Immigration Examinations Account. Total for "Continued IDENT Deploy" from all accounts is \$3,417,000.
- 2/ An additional \$2,500,000 will be funded from the Immigration Examinations Fee Account. Total for "Catastrophic Backup Ability" from all accounts is \$5,000,000.
- 3/ Total for "IDENT" from all accounts is \$19,000,000.
- 4/ An additional \$1,100,000 will be funded from the Immigration User Fee Account and \$1,700,000 will be funded from the Immigration Examinations Account. Total for "ENFORCE" from all accounts is \$5,000,000.

Remove Criminal and Non-Criminal Deportable Aliens
Violent Crime Reduction Program
(Dollars in Thousands)

	Positions	Workyears	Amount
Investigations	77	56	8,686
Detention and Deportation	290	210	82,129
Legal Proceedings	38	19	3,290
Data and Communications			360
Management and Administration	17	8	1,035
Total	422	293	\$95,500

**This request includes funding for the following enforcement personnel: 14 Special Agents, 26 Immigration Agents, 144 Detention Enforcement Officers, and 78 Deportation Officers.*

Proposed Actions

One of the INS' core responsibilities is to apprehend and remove aliens who are unlawfully within the United States. INS' detention and removal resources, however, have consistently been overwhelmed by the number of aliens unlawfully in the country and the prohibitive cost to remove them. Beginning in FY 1995, Congress began to address this imbalance with increased appropriations, but limited detention and removal resources remain a major problem. The number of illegal aliens removed has increased significantly in FY 1995 and FY 1996, but thousands of illegal aliens still avoid apprehension or abscond after being ordered deported.

A further strain on INS detention and removal resources resulted with the passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (1996 Act). The 1996 Act dramatically changes some of the provisions of the Immigration and Nationality Act (INA), and results in significant resource and program implications for the INS. In particular, the 1996 Act requires the Attorney General to detain, without possibility of release, a far greater number of aliens than under previous law, including terrorists, many criminal aliens, aliens in expedited removal, and all aliens issued a final order of removal. Once fully implemented, this expanded mandatory detention requirement will consume most of the INS' existing detention space, leaving little room for the detention of other removable aliens.

The FY 1998 request for the removal of criminal and non-criminal deportable aliens has two objectives: 1) to respond to the new requirements as a result of the 1996 Act and, 2) to sustain INS' current efforts toward removing non-criminal deportable aliens. In order to achieve those objectives, INS will restore credibility to the detention process by both increasing significantly the amount of detention space and removal resources, and using those resources at critical points in the detention and deportation process, and by enhancing its efforts to identify aliens for removal through specific targeted projects.

Increased Enforcement Through the Strategic Use of Detention

	Positions	Workyears	Amount
Detention and Deportation	185	167	57,355
Legal Proceedings	28	14	2,469
Management and Administration	10	5	570
Total:	223	186	\$60,394

Implementation of the following initiatives requires an increase of 223 positions, 186 workyears, and \$60,394,000. These resources will enable the immediate removal of deportable aliens as soon as their order of deportation has become final.

Additional Detention Capacity

	Positions	Workyears	Amount
Detention and Deportation	149	149	45,727
Legal Proceedings	24	12	2,132
Management and Administration	8	4	462
Total:	181	165	\$48,321

As mentioned in the Office of the Inspector General's report titled "INS' Deportation of Aliens After Final Orders have been Issued," INS' ability to remove deportable aliens is severely hampered by the lack of detention space. Adequate detention space is the key to the success of the removal priority. Without this fundamental resource, INS must rely on aliens to voluntarily present themselves for immigration hearings and deportation. Once faced with a final order of deportation, most non-detained aliens abscond

With increased funding, INS will be able to apply increased detention resources at two critical points in the deportation process to ensure increased removals of deportable aliens: 1) at the time an alien first becomes deportable--that is, upon the issuance of the initial order of deportation; and 2) at the time an order of deportation becomes final--that is, at the time the alien either waives appeal or exhausts his or her appellate review.

The detention of deportable aliens at the time the initial order of deportation is issued greatly increases the likelihood of removal. Traditionally, aliens on release during their immigration proceedings are not detained when issued an initial order of deportation by an immigration judge because INS lacks the detention space to detain them. Instead, the aliens are permitted to leave immigration court and are requested to surrender at a later date. As previously stated, most of these aliens then abscond and fail to surrender when requested. INS is left having to relocate and arrest the alien--a difficult, labor-intensive process.

To better address this problem, INS proposes to increase detention capacity and place much greater emphasis on detaining aliens immediately following the issuance of an initial order of deportation by an immigration judge. In particular, INS will identify those aliens most likely to abscond and detain as many as local detention resources allow. INS will also seek to impose substantial bonds on those not detained in order to better ensure their eventual surrender for deportation, as well.

To support this strategy, INS proposes to increase both Service and non-Service detention capacity by 1,864 beds using VCRP resources, including 14 beds in juvenile shelters. INS' detention request will fund an additional 1,000 beds at the Buffalo SPC (300 beds), the Krome Lockdown Facility (300 beds), and in the San Diego area (400 beds)--all of which will significantly facilitate removal efforts. The non-Service detention request will fund an additional 864 detention beds in State or local facilities for INS, including 14 additional juvenile detention bedspaces. Receipts from the Immigration Detention account are expected to fund an additional 1,136 State and local beds.

	Positions	Workyears	Amount
Detention and Deportation	149	149	\$45,727

INS Bedspace Capacity:-- (149 positions, 149 workyears, \$38,752,000):=

Activate the Buffalo Service Processing Center (119 positions, 119 workyears, \$19,833,000). INS is requesting staffing and detention needs for the Buffalo Service Processing Center. The request includes funding for 60 contract staff consisting of guards, food service and maintenance personnel. The facility is a joint INS/USMS facility, which, when complete, will provide an additional 450 beds (300 for INS, 150 for USMS). In accordance with the agreement between the two agencies, INS will be responsible for funding all 450 beds in the facility. USMS will be responsible for the costs of all off-site medical care and transportation needs related

to their detainees.

Site selection and the Environmental Impact Statement are complete and the design/build contract was awarded in July 1996. The facility is scheduled for completion in January 1998. Staffing and detention resources requested here will support the facility's operational requirements from January through September 1998. Because this is a maximum/medium detention facility, a minimum of 50 percent of the total staff must be INS personnel to ensure a secure environment. To allow sufficient time for training of the new staff, full-year funding for INS staff is requested. The total estimated requirement also includes \$1,150,000 for start-up costs for the facility, including security and facilities systems, furniture, cabling, etc.

Activate Krome Lockdown Facility (\$2,825,000). INS is requesting funding for the operation of the Krome Lockdown facility, which is scheduled to be completed in March 1998. This is a 300-bed medium/maximum security facility constructed to house criminal aliens. In FY 1997, staffing and detention funds were requested to operate a separate project at Krome to replace a facility that had been destroyed by fire. Funding requested in 1998 will support operational requirements and start up costs of the lockdown facility.

Costs to support an additional 36 contract guards are included in the 1998 request as well. Current INS staff and those requested in FY 1997 for the replacement dormitory will provide a sufficient number of INS staff for the Krome SPC. This request will allow for the redirection of some of the existing INS staff to the lockdown facility by providing the contract guard services needed to backfill those positions.

San Diego Contract Detention Facility (30 positions, 30 workyears, \$16,094,000). INS is requesting detention funding and staffing for operation of the San Diego Contract Detention Facility. San Diego County is moving forward with plans to have a private contractor build and operate a 1,000 bed facility at Otay Mesa, directly east of San Diego. This facility will respond to critical detention needs identified by the U.S. Attorney, U.S. Marshals Service, and INS.

INS proposes to contract a total of 400 of the beds once the facility becomes operational in 1998. The facility will provide detention space for criminal and non-criminal aliens, both male and female. It will enable INS to provide much needed detention space for the Border Patrol, Investigations and Inspections operations in this and surrounding areas, and could also serve as a transportation hub for deportations to Mexico. Again to allow sufficient time for training of the new staff, full-year funding for INS staff is requested.

Additional Non-INS State and Local Bedspace Capacity (\$6,975,000):--

State and Local Contract Bedspace (\$6,219,000). In addition to detention space and personnel resources requested for the aforementioned INS and contract facilities, resources are being requested to support the detention, staffing, transportation and removal requirements of INS' overall strategy to increase significantly the removal of criminal and non-criminal deportable aliens. Implementation of the 1996 Act will require a substantial amount of INS resources. This request will begin to address some of the

resource requirements by providing additional INS staff to determine alienage and deportability, detain, and ultimately remove criminal and deportable aliens. These resources will support 95 State and local detention beds and alien removal costs. (Note that there are a total of 864 detention beds in State or local facilities in this request. In addition, the resources available in the Immigration Detention account is expected to provide 1,136 beds.)

Increase Juvenile Detention Bedspace (\$756,000). The need for juvenile shelters has increased substantially over the past few years, and the growing problem of juvenile bedspace has become a critical issue within INS. Currently, INS contracts with six juvenile facilities which, in total, provided 164 beds in FY 1996. The costs for shelter care for juveniles on the average is about three times that of an adult due to special requirements such as teachers, counselors, etc. This request will increase INS' juvenile shelter care facilities by an additional 14 beds.

Juveniles are more difficult to remove due to procedural safeguards that tend to extend their length of time in shelter care. Requirements under 8 C.F.R. to pursue family reunification and difficulty in locating sponsors to care for the juveniles in lieu of being housed in shelters add to the length of stay. It should be noted that while desperately needed, funding for this initiative will not significantly increase the number of removals.

	Positions	Workyears	Amount
Legal Proceedings	24	12	\$2,132

INS is requesting 17 attorneys, 7 legal technicians and \$2,132,000 to support the increased workload that will be generated by the additional capacity to detain aliens as well as the increase in immigration judges. An appropriate level of attorney support also must be available to review cases, provide legal advice, and ensure that all legal requirements are met throughout deportation, exclusion and other proceedings, particularly in view of the new requirements under the 1996 Act. Of the total number of positions, 6 positions are associated with the workload generated by the Buffalo facility and 18 positions with the workload generated by the addition of local beds.

	Positions	Workyears	Amount
Management and Administration	8	4	\$462

INS is requesting resources to provide the appropriate management and administrative support functions related to the hiring, training, procurement, payroll, etc., of the additional staff. Of the total number of positions, 5 are associated with the workload generated by the Buffalo facility and 3 positions are associated with the workload associated by the San Diego facility.

Location and Removal of Deportable Aliens Who Have Completed the Appeals Process

	Positions	Workyears	Amount
Detention and Deportation	36	18	\$11,628
Legal Proceedings	4	2	337
Management and Administration	2	1	108
Total	42	21	\$12,073

In addition to detaining a greater number of aliens immediately upon issuance of the order of deportation, INS must also locate and remove non-detained aliens who abscond. The resources needed to detain every alien upon issuance of the initial order of deportation are so great that INS will continue to allow some aliens to remain on release pending a final determination of deportation, either on bond or on their own recognizance. As noted above, many of these aliens abscond when requested to surrender.

To better ensure that non-detained aliens are apprehended and removed immediately after their deportation order is final, INS will work with the Executive Office of Immigration Review and other Department of Justice components to promptly notify INS field offices when a non-detained alien's order of deportation is final and enforceable. The field offices will then locate and detain the alien for prompt removal.

This request includes 42 positions, 21 workyears and \$12,073,000 to locate and remove deportable aliens who have completed the appeals process and who have been issued final orders of deportation. The following resources allow for their immediate location, apprehension and subsequent removal.

	Positions	Workyears	Amount
Detention and Deportation	36	18	\$11,628

The resources requested (15 detention enforcement officers, 12 deportation officers, and 9 docket clerks) will provide the necessary detention and deportation resources to enforce final orders of deportation. This includes the immediate location and apprehension of the alien, detention, and his or her subsequent removal. These resources will fund an additional 230 beds. (Note that there are a total of 864 detention beds in State or local facilities in this request. In addition, the resources available in the Immigration Detention account is expected to provide 1,136 beds).

	Positions	Workyears	Amount
Legal Proceedings	4	2	\$337

The resources requested here (3 attorneys and 1 legal assistant), when combined with legal resources requested in all other priorities and initiatives, would provide the necessary attorney and legal support to prepare and try cases, prepare briefs, and ensure all legal requirements are met throughout the process

	Positions	Workyears	Amount
Management and Administration	2	1	\$108

INS is requesting resources to provide the appropriate management and administrative support functions related to the hiring, training, procurement, payroll, etc., of the additional staff

Enhance the Identification and Removal of Criminal Aliens

	Positions	Workyears	Amount
Investigations	77	56	\$8,686
Detention and Deportation	105	43	24,774
Legal Proceedings	10	5	821
Data and Communications	0	0	360
Management and Administration	7	3	463
Total:	199	107	\$35,106

INS is requesting a total of 199 positions, 107 workyears, and \$35,106,000 to enhance the identification and removal of criminal aliens. This initiative combines the expansion of the local jail initiative, the Law Enforcement Support Center (LESC), and expanding the criminal alien record holdings in the National Crime Information Center (NCIC). It is a comprehensive effort to identify deportable aliens who are incarcerated in local jails or who are encountered by local law enforcement officers.

County Jail Program Expansion

	Positions	Workyears	Amount
Investigations	34	16	\$3,686
Detention and Deportation	46	22	16,209
Legal Proceedings	6	3	484
Management and Administration	4	2	215
Total	90	43	\$20,594

A total of 90 positions, 43 workyears, and \$20,594,000 is requested to support further expansion of the local jail program. The program, which began in FY 1995 with the Los Angeles County Jail, would expand to city and county jails in additional INS Districts where there currently is no local jail initiative. INS is proposing to expand the program to additional county jails nationwide.

Continuation and expansion of the initiative are vital to INS' overall removals program. Expansion of the initiative alleviates some of the burden placed on local and county jail systems and it allows INS to apprehend and remove criminal aliens not reached by the State and Federal Institutional Hearing Program (IHP). INS must be responsive to the increasing number of State and local law enforcement calls regarding deportable aliens. It is imperative that additional resources be made available to respond to these calls. Expansion of the program provides an increased INS enforcement presence in select areas. In addition, it promotes positive cooperative efforts by both INS and local jurisdictions as they jointly combat the growing problem of incarcerated illegal aliens.

	Positions	Workyears	Amount
Investigations	34	16	\$3,686

The requested increase will provide the investigative resources needed to interview and identify deportable aliens that are incarcerated in local and county jails. They also allow INS to have an enforcement presence in select county and city jails that contain deportable criminal aliens.

	Positions	Workyears	Amount
Detention and Deportation	46	22	\$16,209

This request will provide the detention and deportation resources needed to support the expansion of the county jail initiative. The additional staff: (15 detention enforcement officers, 21 deportation officers and 10 docket clerks) reflects the specific needs as indicated by Detention & Deportation field personnel. These resources will fund an additional 375 beds. (Note that there are a total of 864

detention beds in State or local facilities in this request. In addition, the resources available in the Immigration Detention account is expected to provide 1,136 beds).

	Positions	Workyears	Amount
Legal Proceedings	6	3	\$484

The resources requested here (4 attorneys and 2 legal assistants) would provide the necessary legal support to determine deportability, review orders to show cause, prepare and try cases before Immigration Judges, and other functions related to the full scope of an immigration hearing.

	Positions	Workyears	Amount
Management and Administration	4	2	\$215

INS is requesting resources to provide the appropriate management and administrative support functions related to the hiring, training, procurement, payroll, etc., of the additional staff.

Low Enforcement Support Center (LESC)

	Positions	Workyears	Amount
Investigations	43	40	\$5,000
Total:	43	40	5,000

To handle the increased number of queries at the LESL, which is located in Burlington, Vermont, an additional 8 Special Agent positions, 28 status verifiers, and 7 support personnel are requested. INS also requests an additional 36 temporary positions. INS anticipates that once the accuracy of its automated records is confirmed, the need for a large number of status verifiers would no longer exist.

Expand the Criminal Alien Record Holdings in NCIC

	Positions	Workyears	Amount
Detention and Deportation	59	21	\$8,565
Legal Proceedings	4	2	337
Data and Communications			360
Management and Administration	3	1	250
Total	66	24	\$9,512

INS is proposing to expand its use of the National Crime Information Center (NCIC), install NCIC terminals in 45 additional locations, and increase the number of records being entered. The expanded--and ultimately decentralized--use of this resource will enable INS to locate and remove significant numbers of aliens with final deportation orders.

The Deported Felon File (DFF) will be part of this initiative. The DFF cases will be entered after certain aliens have been deported and will result in prosecutions for reentry after deportation. The result will be a deterrent to aliens who would reenter the United States and resume their criminal activity. In addition to NCIC terminals at these locations, INS must have the staff and appropriate transportation resources to respond to the hits. The additional resources being requested will be used to locate aliens--both criminal and non-criminal, including failed asylum seekers--who have been issued final orders of deportation or exclusion.

	Positions	Workyears	Amount
Detention and Deportation	59	21	\$8,565

INS is requesting an additional 30 deportation officers, 26 docket clerks, and 3 support staff, and detention and removal resources, to respond to positive NCIC identifications. These resources will be used for coding, validation, auditing and quality control of the data being entered. These are mandatory functions for all agencies entering data into the NCIC system, as required by the Federal Bureau of Investigation. The resources will support an additional 150 beds in FY 1998. (Note that there are a total of 864 detention beds in State or local facilities in this request. In addition, the resources available in the Immigration Detention account is expected to provide 1,136 beds)

	Positions	Workyears	Amount
Legal Proceedings	4	2	337

The requested resources (3 attorneys and 1 legal assistant) are required to assist with the projected number of deportations that would result from expansion of the NCIC.

	Positions	Workyears	Amount
Data and Communications			\$360

The funding requested will provide for the installation, contract and maintenance costs of the NCIC terminals. The FY 1998 request supports the contract costs for the additional terminals for 6 months.

Currently, data entry is performed centrally at INS Headquarters. Decentralizing data entry is the ultimate goal, as it is less time consuming and much more effective. This initiative will allow information to be entered into the system, at 45 additional locations, on aliens who have been issued a final order of deportation and whose removal is probable. This approach provides for a local check, such as through Departments of Motor Vehicles, etc., and also feeds into the national system.

	Positions	Workyears	Amount
Management and Administration	3	1	\$250

INS is requesting resources to provide the appropriate management and administrative support functions related to the hiring, training, procurement, payroll, etc., of the additional staff. The increase also includes funding for security build-out costs to protect and secure the NCIC terminals.

Interior Deterrence Violent Crime Reduction Program (Dollars in Thousands)			
	Positions	Workyears	Amount
Investigations	44	22	\$4,860
Detention and Deportation	13	7	1,595
Information and Records Management	69	35	12,039
Legal Proceedings	16	8	1,350
Management and Administration	14	7	1,156
Total:	156	79	\$21,000

•This request includes funding for the following enforcement personnel: 5 Special Agents, 30 Immigration Agents, 13 Detention and Deportation Officers, and 12 Attorneys.

Proposed Actions

The interior enforcement mission of the INS is to address the presence and consequences of illegal migration in the interior United States (U.S.). INS must anticipate and respond to changes in illegal migration patterns which flow from the success of the Southwest Border Strategy. When aliens move into the country illegally or through fraudulent means, or violate the terms under which they were legally admitted, their actions have consequences for both citizens and legal aliens. People suffer from illegal immigration particularly when they are victimized by crime committed by aliens or become displaced in the workforce by unauthorized workers. The interior enforcement strategy for FY 1998 builds on a multi-year effort to gain control of the border, deter and correct unlawful employment, combat alien-related crime, and develop a meaningful removal system.

Even with increased employer sanctions resources received in FY 1996, INS will only moderately increase its enforcement presence in limited geographical areas. There remains a significant level of unauthorized employment in the United States that INS needs to address. INS will continue to expand efforts to deter illegal employment and will increase its investigation and prosecution of employers who intentionally violate immigration and labor laws. Efforts will be expanded to increase apprehensions of unauthorized workers, facilitate the hiring of legal workers, and expand assistance to employers seeking to comply with the law through employment verification.

INS has adopted a strategy to investigate and prosecute employers in industries and locations with a history of reliance on unauthorized labor,

who intentionally employ unauthorized aliens and violate criminal statutes, violate other regulatory requirements, and/or who are repeat offenders. Additionally, INS will continue to pursue case-development strategies that renew the Service's commitment to apprehending unauthorized workers from the workplace and removing them from the workplace. A total of 156 positions, 79 workyears, and \$21,000,000 is requested to enhance worksite enforcement by augmenting resources within the seven States with high illegal immigrant populations. This will expand enforcement coverage for the nation's employers and businesses within the industries historically dependent on illegal labor. Under this initiative, INS will:

- Increase targeting of major violations by pursuing those employers who
 - employ unauthorized aliens and violate criminal statutes such as document fraud, smuggling, harboring, inducement and slavery,
 - violate other regulatory requirements such as labor laws, and/or
 - continually depend upon unauthorized labor.
- Increase Verification Information System referral investigations -- criminal and 274C civil document fraud,
- Increase detention and removal of unauthorized workers,
- Increase surveillance activities and task force operations,
- Develop analytical capabilities to better target sweatshops and other abusive employment sectors, and
- Promote compliance by working directly with employers within the targeted industries

The following provides a summary of this request by program

Investigations.	Positions	Workyears	Amount
	44	22	\$4,860

INS requests a total of 44 positions, 22 workyears, and \$4,860,000 for the Investigations program. The positions include 30 Immigration Agents, 5 Special Agents, and 9 support positions. The positions will be distributed to states with the highest illegal immigrant populations

<u>Detention and Deportation:</u>	<u>Positions</u>	<u>Workyears</u>	<u>Amount</u>
	13	7	\$1,595

INS requests a total of 13 positions, 7 workyears, and \$1,595,000 for the Detention and Deportation program. The request is based upon the need to support the additional investigative personnel. The positions include 2 Supervisory Detention and Deportation Officers, 7 Detention Enforcement Officers, 2 Deportation Officers, and 2 Docket clerks. The request also includes \$268,000 for alien detention and welfare and \$311,000 for alien removal.

<u>Information and Records Management:</u>	<u>Positions</u>	<u>Workyears</u>	<u>Amount</u>
	69	35	\$12,039

A total of 69 positions, 35 workyears, and \$12,039,000 is requested for the Information and Records Management program. The request includes 69 technical and clerical positions to provide verification services to new clients. Employment verification allows employers to quickly verify the employment eligibility of a newly hired non-citizen. In 1995, INS initiated a pilot employment verification system with over 200 employers in Orange County, California. The pilot proved so successful that in FY 1996, it was expanded to several other states and to over 1,000 businesses. Of the proposed request, approximately \$7,000,000 will sustain the capability to administer the Verification Information System (VIS). These funds will expand the verification pilot programs to include additional participants and a variety of verification approaches, including large-scale pilots that involve other Federal, State, and local government agencies. This enhancement also will provide resources to continue to improve immigration records supporting VIS, to design and deploy improved verification business practices, and to re-engineer existing business practices that support verification services. Such improvements are critical in order for INS to comply with the Welfare Reform legislation and the 1996 Act enacted in 1996. For example, the 1996 Act specifically directs INS to conduct 3 pilot programs for employment eligibility. They include 1) a basic pilot program involving 5 of the 7 States with the highest estimated unlawful alien populations, 2) a citizen attestation pilot program in at least 5 States that meet certain conditions, and 3) a machine-readable-document pilot program in at least 5 States that meet certain conditions.

In addition, this includes contract funding for approximately 6 Information Records Technicians. Increased enforcement initiatives will result in increased file maintenance and control functions in the Field. For example, enhanced worksite enforcement will generate the need for increased A-file creation, file transfer requests, and maintenance functions related to the life cycle of records. Also, enhanced worksite enforcement will result in an increased number of deportations. The expeditious removal of criminal aliens requires tight records control over direct, physical file movement. Since deportation procedures dictate the direct, physical movement of INS A-files for detainees as they are transported from District offices to Service Processing Centers (SPCs), or from SPC to SPC, processing this workload requires effective coordination and control of high volume nearly continuous file movement. These contract positions will be distributed to field offices and will provide timely and accurate alien information for effective implementation and enforcement of section 274A of the Immigration and Nationality Act.

Legal Proceedings.			
	Positions	Workyears	Amount
	16	8	\$1,350

A total of 16 positions, 8 workyears, and \$1,350,000 is requested for the Legal Proceedings program. This includes 12 Attorneys and 4 support positions. The Attorney positions are required to assist with the increased number of deportations projected as a result of the initiative.

Management and Administration			
	Positions	Workyears	Amount
	14	7	\$1,156

A total of 14 positions, 7 workyears, and \$1,156,000 is requested for the Management and Administration program's Office of Business Liaison. These 14 positions are requested for Headquarters to establish and support a national telephone bank for employer questions.

Employers want and need the information to comply with the law. They are motivated to use information both to avoid penalties imposed by law for failure to comply and to avoid the costs resulting from workers pulled off the line. In addition, employer education is an essential element of a successful worksite enforcement strategy. Limited Special Agent resources are best reserved for enforcement of the law against serious violators. INS must accomplish employer education more efficiently and cost-effectively, taking advantage of centrally controlled, automated information systems.

Employers continue to suffer both from false documents that cannot be identified on their face and from lack of access to reliable and accurate information about employment-related immigration law, policies and processes. The demand for this information, which is gauged by calls to INS, feedback from industry conferences, trade associations, and legal organizations is acute. It is this demand that drives the requested initiatives. Employers need to comply for business reasons, including the need to 1) avoid wasted investments in employee training, recruitment, and medical exams, 2) interruptions in work processes or missed production deadlines, 3) loss of perishable raw materials, 4) lapses in assembly line hygiene or quality control, 5) worker's compensation claims arising from accidents that happen to illegal aliens 6) and negative community image. All of these things can and do happen regularly when illegal aliens are removed from workplaces--often in large numbers or percentages of employees.

INS is proposing the establishment of a nationwide telephone bank to respond to employer's questions. These questions will run the gamut including: the employment eligibility process, employing permanent and temporary foreign workers, changes in employment-related immigration law/regulation/policy/practice, hiring foreign students, independent contractors, asylum-based work authorization, hiring under

NAFTA, hiring nannies and domestic workers, and retention of documents, among other things

Employer Assistance-Internet Service-

A total of \$250,000 will provide hardware and software for an Internet server LAN for the Office of Business Liaison to assist employers obtain critical information

The Internet LAN costs address the need to provide the Office of Business Liaison with file server capability that, in addition to Internet access, provides some commercial off-the-shelf software for employer mail support and Faxback capabilities, a help line, receipt and tracking, pamphlet distribution, seminar/speaking engagement calendar, and regulatory update changes

INS needs to provide a system to employers that is useful to them and identifies their needs and posts information in text and format that is comprehensible, accessible, well-organized, cross-referenced, and free of extraneous graphics that are expensive and time consuming to download. INS' present dissemination systems either do not include information requested by employers or do not present it in a way that is comprehensible.

Improving Services and Benefits
Violent Crime Reduction Trust Fund
(Dollars in Thousands)

	Positions	Workyears	Amount
Data & Communications	4	2	\$7,800

Proposed Actions

INS' customer base has been growing rapidly as its involvement in a variety of enforcement and benefits functions increases. The records and information infrastructure has not grown or transformed accordingly to support the agency's multitude of missions.

Strengthen Records Infrastructure

The resources requested in the Data and Communications program will provide the following:

Information Network (\$836,000)--

This request includes funding for cabling (\$200,000), automated data processing (ADP) equipment (\$266,000), Receipt Allen File Accountability and Control System (RAFACS) installation (\$300,000), telephone/communications installment (\$70,000), and other infrastructure enhancements required to implement the records restructuring.

Electronic A-File (2 Positions, 1 Workyear, and \$5,500,000)--

This request includes activities designed to ensure the development and implementation of a new method of keeping records for INS, including re-engineering INS records and supporting business processes for the development and implementation of production standards and control procedures to support access to information in the form of images. This process, known as electronic A-Files, will reduce the number of lost files, the cost of mailing and warehousing, and delays in support of enforcement and benefit activities.

These resources will also allow INS to analyze the information to be retained in the electronic A-File, develop a migration plan for INS to move from a paper-based to electronic-based environment, and develop services to implement a pilot electronic A-File. Included in this would be the required hardware and software costs associated with the management of the imaging client service capabilities and the electronic A-File repository management in a centralized records center. The funding also includes the development of electronic files for 600,000 immigrant visa applications and the establishment of a core image file hardware and software platform. Approximately 3 offices would receive the ability to "scan on demand".

Electronic Filing (2 positions, 1 workyear, and \$1,464,000)--

INS spends considerable time and resources converting data contained on the application to electronic form for system use. Not only does this increase processing time, but it is also error prone. For this reason, INS will explore best practices from public and private entities utilizing electronic filing approaches to develop an electronic filing strategy for INS.

This initiative will include acquiring, installing, and evaluating new tools and processes by which benefits can be submitted electronically and monitoring each prototype to evaluate cost effectiveness, customer satisfaction, and the ability to support nationwide deployment.

This effort will be closely coordinated with other INS initiatives (i.e. electronic A-Files) to develop electronic repositories (including imaging). This initiative will be a separate initiative that will produce "front end" input and processes which provide the electronic data for the INS repository. This will enable INS to enhance the speed and accuracy of the process and to reduce the burden to INS and the public.

Immigration and Naturalization Service
Violent Crime Reduction Trust Fund
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Professionalism		Data & Communications		Subtotal Professionalism	
	Pos	Amount	Pos	Amount	Pos	Amount
Grades						
GS-15	..	..	..	6	..	\$402
GS-14	..	..	..	14	..	794
GS-13	..	..	..	1	..	477
GS-12	9	\$429	..	48	10	..
GS-11	..	..	..	..	..	..
GS-9	..	..	..	..	..	..
GS-7	..	..	..	..	..	..
GS-6	..	..	..	..	..	..
GS-5	..	..	..	..	..	..
GS-4	..	..	..	..	..	..
Total Positions & Annual Rate	9	429	21	1,244	30	1,873
Lapse (?)	(4)	(215)	(10)	(822)	(14)	(837)
Other than permanent	..	..	..	..	..	..
Other personnel compensation	..	..	..	..	..	..
Total workyears and personnel	5	214	11	622	16	838
Compensation	..	64	..	186	..	250
Personnel Benefits	..	..	..	12	..	12
Travel & transportation of persons	..	65	..	200	..	285
GSA Rent	..	7	..	17	..	24
Comm/Utilities/Miscellaneous	..	5,658	..	189	..	5,847
Other Services	..	..	..	18	..	25
Supplies and Materials	..	110	..	256	..	366
Equipment	..	..	..	..	..	..
Land & structures	..	..	..	..	..	..
Total program WY & obligations changes requested, 1998	5	6,145	11	1,500	16	7,645

Immigration and Naturalization Service
Violent Crime Reduction Program
Financial Analysis - Program Changes
(Dollars in thousands)

Item	BORDER CONTROL AND FACILITATION									
	Inspections	Border Patrol	Intelligence	Data and	Legal Proceedings	Mgmt & Admin	Subsidiary Border	Control & Facilitation		
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount		
Grades										
GS-15										
GS-14										
GS-13										
GS-12										
GS-11										
GS-9										
GS-7										
GS-6										
GS-5										
GS-4										
Total Positions & Annual Rate										
Lapse (-)		550		19,831				551	19,879	
Other than permanent		(336)		(11,899)				(336)	(11,899)	
Other personnel compensation										
Total										
283		11,028						284	11,077	
Personnel Benefits										
Travel and Transportation of persons										
GSA Rent										
Comm/Utilities/Miscellaneous										
Other Services										
Supplies and Materials										
Equipment										
Land & structures										
11,500		20,882		16,124					16,164	
Total program WY & obligations										
changes requested, 1988										
\$11,500		82,000		\$16,200				284	\$89,700	

Immigration and Naturalization Service
Violent Crime Reduction Programs
Financial Analysis - Program Changes
(Dollars in thousands)

REMOVE CRIMINAL AND NON-CRIMINAL DEPORTABLE ALIENS

Item	Investigations Pos	Amount	Detent. & Deport Pos	Amount	Legal Proceedings Pos	Amount	Oris and Communications Pos	Amount	Management & Administration Pos	Amount	Total Pos	Amount
Grades												
GS-15	4	335	3	235	27	\$1,810					34	\$2,380
GS-14	10	712	2	142							12	854
GS-13			70	3,230							70	3,230
GS-12			15	598							15	598
GS-11	33	1,114	9	287					14	481	56	1,872
GS-9	4	107	1	27	11	287			3	81	19	512
GS-7			14	166							14	166
GS-6			176	4,212							202	4,778
GS-5	26	564										
GS-4												
Total Positions & Annual Rate	77	2,832	290	8,827	38	2,107			17	542	422	14,408
Lapse (?)	(57)	(1,774)	(80)	(1,525)	(19)	(893)			(9)	(198)	(185)	(4,368)
Other than permanent	36	576									36	576
Other personnel compensation	1	38	251	2,536		2					252	2,578
Total workyears and personnel												
Compensation	57	1,872	461	9,940	19	1,216			8	348	545	13,174
Personnel Benefits		815		2,919		818				104		4,456
Travel and Transportation of persons		180		1,468		233						1,881
GSA Rent		1,068		1,332		503						2,814
Crime Records		91		113		26						239
Other Services		1,741		56		323	360					59,685
Supplies and Materials		163		430		540						1,163
Equipment		2,828		9,085								12,764
Land & structures												
Total program WY & obligations changes requested, 1998	57	8,686	461	82,129	19	3,290	360		8	1,035	545	95,500

Immigration and Naturalization Service
Violent Crime Reduction Programs
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Investigations		Detent & Deport		Records Management		Legal Proceedings		Management & Administration		Subtotal	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
Grades												
GS-15												
GS-14												
GS-13	5	355	2		23	1,305	12	805	1	78	1	78
GS-12									3	201	19	1,274
GS-11				95					1	171	31	1,831
GS-9	30	1,020			5	164			1	48	3	143
GS-8	9	242	4	114	36	968	4	107	5	164	40	1,348
GS-6					1	24			1	27	54	1,458
GS-5			7	188							1	34
GS-4											7	188
Total Positions & Annual Rate	44	1,817	13	397	69	2,729	16	912	14	689	156	6,344
Lapses (-)	(22)	(809)	(6)	(199)	(34)	(1,365)	(6)	(456)	(7)	(345)	(77)	(3,174)
Other personnel compensation	2	89	1	76							3	186
Total workyears and personnel	24	897	8	276	35	1,364	8	457	7	344	82	3,338
Compensation												
Personnel Benefits		517		83		410		251		104		1,385
Travel and transportation of persons		158		55		8		104		8		331
GSN Health Insurance		415		123		651		151		132		1,473
Crime Victims Allowance		31		14		55		14		11		86
Other Services		991		786		8,853		135		378		10,841
Supplies and Materials		122		23		57		13		11		226
Equipment		1,727		237		840		228		189		3,199
Land & structures												
Total program WY & obligations	24	4,860	8	1,595	35	12,039	8	1,350	7	1,156	82	21,000
changes requested, 1997												

Immigration and Naturalization Service
Violent Crime Reduction Trust Fund
Financial Analysis - Program Changes
(Dollars in thousands)

Improving Services and Benefits		Data & Communications	
Item	Pos	Amount	
Grades			
GS-15			
GS-14			
GS-13	4	227	
GS-12			
GS-11			
GS-9			
GS-7			
GS-6			
GS-5			
GS-4			
Total Positions & Annual Rate	4	227	
Lapses (-)	(2)	(127)	
Other than permanent			
Other personnel compensation			
Total workyears and personnel			
Compensation	2	100	
Personnel Benefits		34	
Travel & transportation of persons			
GSA Rent		38	
Commodities/Miscellaneous		3	
Other Services		7,573	
Supplies and Materials		3	
Equipment		49	
Land & structures			
Total program WY & obligations	2	7,800	
changes requested, 1997			

Immigration and Naturalization Service
Violent Crime Reduction Programs
Priority Ranking
Fiscal Year 1998

Program	Base Program	Ranking	Initiative/Program	Program Increases	Ranking
Border Patrol		1	Professionalism		1
Detention & Deportation		2	Border Facilitation and Control		2
Investigations		3	Remove Criminal/ Non-Criminal Deportable Aliens		3
Legal Proceedings		4	Interior Deterrence		4
Data & Communications		5	Improving Services & Benefits		5
Training		6			
Management & Administration		7			
Construction & Engineering		8			

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Immigration and Naturalization Service
Violent Crime Reduction Programs
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996		1997		1998	
	Auth.	Transfer of Intl Affairs	Program Increases	Auth.	Program Increases	Request
Attorneys (905)	98			98	39	137
Asylum Officer (930)	223	-223				
Paralegal Specialist (950)	12			12		12
Other Legal and Kindred(900-999)	32			32	15	47
General Enforcement & Support (1800-1899)	157	-5	20	172	75	247
Detention and Deportation Officer (1801)	81		25	106	82	188
Detention Enforcement Officer (1802)	120		151	271	151	422
Immigration Agent (1801)					56	56
Criminal Investigators (1811)	47			47	19	66
Border Patrol Agents (1896)	700			700	500	1,200
Personnel Management (200-299)	3			3	4	7
General Administrative and Clerical (300-399)	247	-160	18	105	183	288
Accounting and Budget (500-599)	1			1	4	5
Engineering and Architecture (800-899)	15		1	16	6	22
Business and Industry Group (1100-1199)					3	3
Equipment Facilities and Service (1600-1699)	38			38	9	47
Education Group (1700-1799)	4			4	6	10
Supply Group (2000-2099)	16			16		16
Transportation (2100-2199)	20			20	8	28
Other (WG)						
Total	1,814	-388	215	1,641	1,163	2,804
Washington					42	42
U.S. Field	1,814	-388	215	1,641	1,121	2,762
Total	1,814	-388	215	1,641	1,163	2,804

Immigration and Naturalization Service
Violent Crime Reduction Programs
Summary of Agent and Support Positions
FY 1994

Division Unit	Agents			1993 Appropriation Subprogram						1994 Program Change						1994 Request Level						Total		
	Pos	FTE		Adm	Inv	Sup	Total	Agents	Adm	Inv	Sup	Total	Agents	Adm	Inv	Sup	Adm	Inv	Sup					
Inspection	750	750																						
Border Patrol	47	28																						
Investigation				110	60	810	160	500	185		50	55	550	220	885					180	115	1,300	860	
Detention & Deportation				89	40	118	88	18	28		102	101	121	127	64	56				171	141	237	196	
Intelligence				524	377	524	377					303	311	303	311					827	846	827	846	
Adjudication & Naturalization																								
Immigration Affairs																								
Training				37	31	37	31					9	9	9	9					48	40	48	40	
Data & Comm. Systems				8	6	6	6					26	17	26	17					32	21	32	21	
Information & Records Mgmt.												89	35	89	35					66	25	66	25	
Cons. & Engineering																								
Legal Proceedings				94	89	44	31	142	100		26	43	15	17	54	62			137	112	94	48	196	160
Management & Administration																								
Total	1,617	728		94	89	796	549	1,641	1,347	519	191	38	43	805	560	1,163	194	1,268	820	1,337	1,112	1,401	1,029	2,161

Immigration and Naturalization Service
Violent Crime Reduction Programs
Summary of Change
(Dollars in thousands)

	Positions	Work- years	Amount
1997 Appropriation anticipated.....	1,641	1,347	\$500,000
Adjustments to base:			
Transfer from Salaries and Expenses Appropriation for detention and deportation.....	..	..	40,138
Mandatory increases:			
1998 Pay raise.....	..	..	1,946
Annualization of 1997 pay raise.....	..	..	645
Annualization and nonrecurring costs of 1997 program increases (net).....	..	107	(37,054)
General pricing level adjustments.....	..	..	4,931
Restoration of 1996 FTE reduction.....	..	76	..
Total, increases.....	..	183	10,606
1998 Base.....	1,641	1,530	510,606
Program Changes.....	1,163	611	221,645
1998 Estimate	2,804	2,141	732,251

Immigration and Naturalization Service
Violent Crime Reduction Programs
Justification of Adjustments to Base
(Dollars in thousands)

	Work- years	Amount
Transfers to and from other accounts:		
Transfer from Salaries and Expenses Appropriation		
A total of \$40,138,000 is to be transferred in 1998 from the Salaries and Expenses appropriation to the Detention and Deportation program of the Violent Crime Reduction Programs for alien travel, detention and welfare costs associated with increased activities related to the Detention and Deportation program		-\$40,138
Increases:		
1998 pay raise		1,946
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the 1998 President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$1,946,000 represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$1,441,000 for pay and \$505,000 benefits = \$1,946,000).		
Annualization of 1997 pay raise		645
This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent, plus appropriate personnel benefits (\$479,000 for compensation and \$166,000 for benefits)		
Annualization and Non-Recurring of 215 additional positions approved in 1997	107	-37,054
This provides for the annualization of 215 additional positions provided in Congressional Action for the Border Patrol, Detention and Deportation, Data and Communications Systems, and Management and Administration programs. This request includes nonrecurring costs for one-time items associated with the increased positions.		

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	Approved 1997 Increases	Annualization Required
Annual salary rate of 215 approved positions	\$5,691	\$2,846
Other personnel compensation	1,242	1,243
Less lapse (50%)	-2,846	...
Net Compensation	4,087	4,089
Associated employee benefits	1,164	992
Travel	828	1,068
Transportation of Things	54	...
GSA Rent	1,857	-567
Communications/Utilities	100	102
Other Services	88,940	1,038
Supplies/Materials	288	288
Equipment	69,586	-44,064
Total costs subject to annualization	166,904	-37,054

... 4,931

General pricing level adjustments The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs, and utilities.

Restoration of FY 1996 FTE Reduction
In FY 1996, this account absorbed a reduction of 314 FTE over the FY 1996-1997 time frame. An analysis of the workyears required by this account indicates a total of 76 FTE are required to be added in FY 1988.

76 ...

Total, increases 183 -29,532
Total, adjustments to base 183 10,606

Immigration and Naturalization Service
Violent Crime Reduction Programs
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grade and Salary Ranges	1996 Actual		1997 Appropriation		1998 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS-15, \$75,935-98,714.....	123	...	116	...	1	...	1	...
GS-14, \$64,555-83,022.....	51	...	16	...	189	...	53	...
GS-13, \$54,623-71,017.....	306	...	19	...	69	...	53	...
GS-12, \$45,830-59,725.....	135	...	5	...	346	...	177	...
GS-11, \$37,534-48,619.....	738	...	704	...	146	...	141	...
GS-9, \$31,690-41,185.....	214	...	210	...	1,095	...	391	...
GS-7, \$25,897-33,687.....	145	...	159	...	333	...	123	...
GS-6, \$23,305-30,294.....	171	...	217	...	174	...	15	...
GS-5, \$20,908-27,183.....	11	...	3	...	426	...	209	...
GS-4, \$18,687-24,298.....	20	...	20	...	3	...	...	...
Wage Grade.....	...	...	...	...	20	...	...	...
Locality Pay.....	...	...	...	...	...	...	...	...
1997 Pay Raise.....	...	...	...	\$1,916	...	\$1,916	...	...
1998 Pay Raise.....	...	...	...	...	...	1,921	...	\$1,921
Total positions.....	1,814	\$60,296	1,641	\$61,252	2,804	105,620	1,163	44,368
Pay above stated annual rates.....	...	159	...	195	...	296	...	101
Lapses.....	-781	-18,479	-294	-3,946	-776	-21,879	-482	-17,933
Savings due to lower pay scales for part of year.....	...	-434	...	-479	...	-480	...	-1
Net full-time permanent.....	1,033	41,542	1,347	57,022	2,028	83,557	681	26,535
Other than permanent.....	17	550	...	...	113	576	113	576
Other personnel compensation:	...	...	...	...	...	...	...	...
Overtime.....	90	13,444	137	10,848	239	18,271	102	7,423
Special personal services payments.....	...	34	...	41	...	41	...	...
Total, workyears and personnel compensation.....	1,140	55,570	1,484	67,911	2,380	102,445	896	34,534
Average GS Salary.....	...	\$33,000	...	\$33,987	...	\$35,884	...	...
Average GS Grade.....	...	9.1	...	9.2	...	9.5	...	...

Immigration and Naturalization Service
Violent Crime Reduction Programs
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1998 Actual		1997 Appropriation		1998 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	1,033	\$41,542	1,347	\$57,022	2,028	\$83,557	681	\$26,535
11.3 Other than permanent.....	17	550	113	576	113	576	113	576
11.5 Other personnel compensation.....	90	13,444	137	10,848	239	18,271	102	7,423
11.6 Special personnel services payments.....	34	34	41	41	41	41	41	41
Total, workyears and personnel compensation.....	1,140	55,570	1,484	67,911	2,360	102,445	896	34,534
12.1 Personnel benefits.....		19,367		19,810		33,631		14,021
21.0 Travel.....		11,048		9,372		21,918		12,546
22.0 Transportation of things.....		908		1,363		1,539		176
23.1 GSA rent.....		1,368		2,941		7,941		5,000
23.2 Other rent.....		115		11		11		11
23.3 Communications, utilities.....		784		619		1,564		945
24.0 Printing & Reproduction.....		207		7		8		1
25.0 Other services.....		126,820		251,369		387,528		136,159
26.0 Supplies and materials.....		31,061		19,588		26,565		6,977
31.0 Equipment.....		73,569		127,020		148,901		21,881
32.0 Land and structures.....		73		73		73		73
42.0 Insurance claims and indemnities.....		10		10		10		10
Total obligations.....	1,140	320,626	1,484	500,000	2,360	732,251	896	232,251
Relation of obligations to outlays								
Obligations.....		320,626		500,000		732,251		732,251
Obligated balance, start of year.....		153,103		259,084		401,000		401,000
Obligated balance, end of year.....		-259,084		-401,000		-525,000		-525,000
Outlays.....		214,845		358,084		608,251		608,251

Violent Crime Reduction Programs
Schedule of Aircraft

Method of Acquisition and Type of Aircraft	1995 End-of- Year Inventory	1996		1997		1998		Average Cost	End-of Year
		Acquired	Disposed	Acquired	Disposed	Acquired	Disposed		
Direct Purchase:									
Fixed Wing:									
Single engine	...								
Two engine	...								
Four engine	...								
Turbo prop	...								
Jet engine	...								
Helicopter:									
Single engine	...	2	2	3	5	3		\$1,100,000	8
Multi engine	...								
Subtotal purchased		2	2	3	5	3		\$1,100,000	8
Leased:									
Fixed wing	...								
Helicopter	...								
Subtotal leased									
Seized or no cost excess:									
Fixed Wing:									
Single engine	...								
Two engine	...								
Four engine	...								
Turbo prop	...								
Jet engine	...								
Helicopter:									
Single engine	...								
Multi engine	...								
Subtotal seized									
On Loan:									
Helicopter:									
Single engine	...								
Total Aircraft		2	2	3	5	3		\$1,100,000	8

**Department of Justice
Immigration and Naturalization Service
Construction
Estimates for Fiscal Year 1998
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**Immigration and Naturalization Service
Construction Account
Summary Statement
Fiscal Year 1998**

The Immigration and Naturalization Service (INS) requests 16 positions, 19 workyears, and \$73,831,000 in the Construction Account. This request represents a total increase in funding of 1 position, 1 workyear, and \$53,719,000 above the FY 1997 enacted Appropriation (2 positions, 1 workyear, and \$9,841,000), and includes base transfers and adjustments totaling 13 positions, 17 workyears, and \$10,271,000.

The INS Construction account was established in the FY 1995 Appropriations Act for the Department of Justice (P.L. 103-317). Section 34 of the law provided an initial \$50,000,000 to fund prioritized border infrastructure requirements of INS. Due to the INS' immediate focus on "prevention through deterrence" along the Southwest border, the first priority for obligations from this account were for border stations, station-related infrastructure, and for frontline enforcement-related activities.

The current request includes 1 position, 1 workyear, and \$5,272,000 to establish a long-term Building Management Program that will include an inventory of all structures and equipment at INS-owned facilities, provide a schedule for preventive maintenance and continuing annual multi-year maintenance for all structures. This program will ensure that INS facilities are maintained in a safe and healthful manner to avoid the past problems of facilities prematurely deteriorating as a result of inadequate preventive maintenance, repair and replacement resources.

In addition, the FY 1998 funding request includes \$34,276,000 for the construction of new projects in support of the Border Patrol program. These resources will be used to construct new stations, as well as plan and design future buildings, and to provide materials for military construction projects supporting the Border Patrol along the Southwest border. Also included is a total of \$14,171,000 to support the construction and renovation of additional detention facilities. One of the INS' core responsibilities is to apprehend and remove those aliens unlawfully within the United States. The total number of illegal aliens has consistently outweighed available detention space.

Finally, the INS is proposing a major change in FY 1998 concerning construction planning and budget requests. Prior to FY 1998, the INS requested the entire amount required to design and construct a new facility in one fiscal year. This practice resulted in low obligation rates during the first two years of the project -- the planning and design phases. To correct this problem, a Construction Program Steering Committee was established to review requirements and approve a single set of INS construction priorities. Each approved project has been segmented into a multi-year construction plan, in order to best estimate when each phase of construction will require funding. The INS intends to only request planning, environmental, site acquisition, and design funds in the first year of the cycle, while the actual construction funds will be requested in the following fiscal year budget. This phased approach to construction budgeting will allow for close alignment of resources by construction phase.

Immigration and Naturalization Service
 Construction
 Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Construction

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, (\$5,341,000) ^ .to remain available until expended. \$23,831,000

Immigration and Naturalization Service
Construction
Crosswalk of 1997 Changes
(Dollars in thousands)

Activity/Program	1997 President's Budget Request			Congressional Appropriation Action On 1997 Budget Request			1997 Appropriation Anticipated		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Construction and Engineering.....	2	1	\$5,541	..	..	\$4,300	2	1	\$9,841
Total.....	2	1	5,541	..	..	4,300	2	1	9,841

1700

Immigration and Naturalization Service
Construction
Summary of Requirements
(Dollars in thousands)

		Perm Pos	WY	Amount
Adjustments to base				
1997 Appropriation Anticipated				
Base transfer from Salaries and Expenses appropriation		2	1	\$9,841
Increases (automatic, non-policy)		13	16	15,623
Decreases (automatic, non-policy)			1	91
				-5,443
1998 Base		15	16	20,112
Program Changes (see Program Narrative for Details)				
1998 Request				
		1	1	53,719
		16	19	73,831

		1997 Appropriation Anticipated		1998 Base		1998 Request		Increase/Decrease	
		Perm Pos	WY Amount	Perm Pos	WY Amount	Perm Pos	WY Amount	Perm Pos	WY Amount
Estimates by budget activity									
1	Construction and Engineering		\$2,715	2	\$9,841	16	\$73,831	1	\$53,719
Total			52,715	2	9,841	16	73,831	1	53,719

**Immigration and Naturalization Service
Construction
Program Performance Information
(Dollars in thousands)**

The INS Construction account was established in the FY 1995 Appropriations Act for the Department of Justice (P.L. 103-317). The law provided an initial \$50,000,000 to fund prioritized border infrastructure requirements of INS. Due to the Service's immediate focus on "prevention through deterrence" along the Southwest border, the first priority for obligations from this account are for border stations, for station-related infrastructure, and for front line enforcement-related activities.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Construction and Engineering			
1997 Availability	2	1	\$9,841
1998 Base	15	18	20,112
1998 Estimate	16	19	73,831
Increase/Decrease	1	1	53,719

BASE PROGRAM DESCRIPTION:

- The INS has in excess of 100 fuel storage tanks in operation throughout the country. The INS operates facilities that are currently contaminated with petroleum products; are urgently in need of upgrade or replacement, or are in non-compliance with EPA regulations. Severely leaking underground storage tank problems at a number of Border Patrol locations have been identified. In several instances, leakage has created hazardous situations for the surrounding communities. A five-year plan designed to correct these deficiencies has been implemented in order to address these fuel tank projects. Project prioritization will be based on immediate requirements related to health and safety and environmental impact on the communities involved, and will be coordinated with the Border Patrol's Strategic Plan geographic "phases." The base-level resources are for continued implementation of a five-year plan for the removal of leaking underground storage tanks and the cleanup of

contaminated areas. The INS has already begun to remediate the most serious storage tank problems. The FY 1998 budget proposal represents year three of INS' five-year plan.

The functions of the Construction and Engineering Program also include the acquisition, design, construction, alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the INS is the owning or leasing agency. Space is acquired through the General Services Administration (GSA), by lease, by INS construction and through assignment by airport authorities. New inspection facilities are coordinated as necessary with U.S. Customs Service, Public Health Service, Department of Agriculture, GSA, and with State, county, local and foreign authorities.

The Construction and Engineering program is responsible for preparing an annual work-space management plan and related rent and obligation estimates for submission to GSA and the Office of Management and Budget.

In FY 1998, Construction and Engineering program resources (13 positions, 16 FTE, and \$7,710,000), as well as repair and alteration funding (a total of \$7,913,000 from the Inspections, Border Patrol, Investigations, Detention and Deportation, Intelligence, International Affairs, Data and Communications, Information and Records, Legal Proceedings, and Management and Administration programs) in the Salaries and Expenses appropriation, are proposed to be consolidated in the Construction appropriation.

**Professionalism Initiative
Construction Account**
(Dollars in Thousands)

	<u>Positions</u>	<u>Workyears</u>	<u>Amount</u>
Construction and Engineering	1	1	\$5,272

Proposed Actions

In recent years, INS has expanded and intensified program activities in the areas of enforcement, deterrence, and benefits. This expansion has facilitated the entry of legally admissible individuals to the United States, prevented illegal entry and improper granting of benefits, and has resulted in increased apprehensions and removals of illegal aliens, and the enforcement of Immigration laws at the worksite. Program expansion has placed a strain on the basic infrastructure of INS and the ability of INS to provide adequate facilities support to the thousands of new employees who have been brought into the organization. Infrastructure and facilities issues are highlighted through the inability of INS to provide necessary vehicles, equipment, and facilities management support required by the workforce. These basic resources are critical if the INS workforce is to effectively carry out their program requirements and if the organization as a whole is going to promote professionalism, employee welfare and success in its priorities.

INS must build and maintain its infrastructure base and provide sufficient mission support to maximize the efficiency, effectiveness, safety and health of its workforce. In FY 1997, INS received resources to begin addressing the deficiencies in the infrastructure base and mission support. In FY 1998, basic operational support requirements must be addressed further for INS to fully achieve its goals. Additionally, initiatives developed and implemented with resources from the Violent Crime Reduction Trust Fund and the Border Construction Trust Fund between FY 1995 and FY 1997 must now be maintained. It is imperative that INS focus its efforts and resources on promoting professionalism through the continued restoration and maintenance of the infrastructure base and mission support as we move into FY 1998.

The INS Professionalism initiative will focus its efforts and resources on the delivery of mission-critical support to INS components to maximize the effectiveness and efficiency of the INS workforce. INS will focus on the assimilation of the thousands of new employees

into the organization, and with the resources of the Construction Account will concentrate on providing safe, healthy and efficient physical working environments.

The Construction and Engineering program request includes 1 position, 1 workyear and \$5,272,000 for the Building Management Program. The INS is committed to the repair of existing facilities and the establishment of a program for preventive maintenance. Without routine repair and alteration of our buildings and structures, the health and safety of INS personnel will be endangered. In order to ensure that INS properly dedicates resources and workhours to facility maintenance and management, INS requests the following initiative.

Building Management Program (1 position, 1 workyear and \$5,272,000) --

Included in this initiative is a request for 1 position, 1 workyear and \$5,272,000 to establish a long-term Building Management Program that will include an inventory of all structures and equipment at INS-owned facilities, provide a schedule for preventive maintenance and continue annual maintenance for all structures. This program will also provide funding to ensure that regular, routine, and recurring maintenance is performed and INS facilities are maintained in a safe and healthful condition. Lack of resources in the past has led to premature deterioration and accelerated aging of INS facilities. In order to correct the problems associated with premature deterioration and obsolescence, INS must create and properly resource a Buildings Management program that will ensure that our facilities are maintained and repaired routinely and kept in top shape to provide the support and service they are designed and built to achieve. Preventive maintenance, and routine repair and replacement of those parts of the plant and equipment that are not designed to last forever (e.g., roofs, tile, plumbing, HVAC systems and components, carpets, lights, security and fire-systems, paving fences) is essential to protect and extend the useful life of our facilities.

As part of the request in the first year, \$4,500,000 will be used to establish a Service-wide contract to conduct an inventory of structures and plant and equipment at each INS facility. This funding will provide contractual services, with the largest expenditures being associated with the conduct of the inventory and the establishment of appropriate maintenance schedules, that are based upon accepted industry standards and customized to meet the operational demands placed upon a particular facility. The balance of the funds will be used to replace or repair plant and equipment that can no longer be effectively supported and maintained. Finally, initial funding for local service contracts to perform scheduled preventive and recurring maintenance will be allocated to the field. In subsequent years, the majority of the funding will be provided to the local facility managers in the field to fund local service and maintenance contracts based upon established schedules. The remaining funds will support policy, oversight and maintenance of the inventory database including upgrades, adding new facilities, and instituting energy efficient improvements.

Border Control & Facilitation Initiative
Construction Account
(Dollars in thousands)

	<u>Positions</u>	<u>Workyears</u>	<u>Amount</u>
Construction & Engineering	\$34,276

Proposed Actions

One of INS' highest priorities is to regulate entry to the United States (U.S.) in a manner that facilitates lawful travel and commerce while ensuring border integrity. In the past several years, INS has achieved considerable success with its border strategies -- INS components have identified and removed more than two million unlawful immigrants annually. Nonetheless, large numbers of illegal aliens continue to enter the U.S., utilizing both traditional means and innovative new avenues. In order to maintain and advance recent gains in the Southwest, INS must further enlarge its border control capabilities and staffing. In recent years, the increase in the strength of the Border Patrol -- the number of new Border Patrol Agents -- has far exceeded INS' ability to keep pace in terms of providing appropriate physical facilities. Many older Border Patrol stations have become dilapidated to the extent that they constitute safety and health hazards, and many more have reached or gone beyond the saturation point in terms of providing adequate space for assigned staff. These facilities and construction issues have long been recognized and have now reached a point of critical importance.

This initiative includes \$34,276,000 for construction of projects that are essential if INS is to meet the facility requirements for the additional agents authorized to be stationed along the Southwest border. These resources will be used to construct new stations, as well as plan and design future buildings.

The INS is proposing a major change in FY 1998 concerning construction planning and budget requests. Prior to FY 1998, the INS requested the entire amount required to design and construct a new facility in one fiscal year. This practice resulted in low obligation rates during the first two years of the project -- the planning and design phases. To correct this problem, a Construction Program Steering Committee was established to review requirements and approve a single set of INS construction priorities. Each approved project has been segmented into a multi-year construction plan in order to best estimate when each phase of construction will require funding. Only planning, environmental, site acquisition, and design funds will be requested in the first year of the cycle. The actual construction funds will be requested in the following fiscal year. This phased approach to construction budgeting will allow for close alignment of resources by construction phase.

Full Construction Projects (\$25,070,000) --

Brownfield Utility Connection	\$ 700,000
Tucson Border Patrol Station (cost increase)	3,000,000
Del Rio Sector Headquarters	7,700,000
Rio Grande Border Patrol Station	4,200,000
Laredo-North Border Patrol Station	7,670,000
Presidio Housing	1,800,000
Total	\$25,070,000

Brownfield Utility Connection (\$700,000) - INS will be constructing five buildings on a 38 acre site provided by the U.S. Navy. This project will include the Brownfield station, the annex building to accommodate expected staff growth, and the San Diego Sector support facilities for vehicles, electronics, and facility maintenance. The resources requested will be used to provide water and sewage connection for the Brownfield facility.

Tucson Border Patrol Station (\$3,000,000) - This station is collocated with Sector headquarters and housed in a small building and four modular trailers. Currently, the station is staffed by approximately 80 agents and operates 24 hours per day, seven days a week. Current funds will allow the Service to proceed with site acquisition and station design in FY 1996 and FY 1997. The resources requested for FY 1998 will be used for the construction phase of the project. The project will consist of a 32,000 square foot station and will include a fuel island, wash rack, parking for 490 vehicles, covered parking for 110 Service vehicles, radio tower, emergency generator, and kennel.

Del Rio Sector Headquarters (\$7,700,000) - The facility is housed in a GSA building constructed in '96/3 and currently has a staff of 37 employees. This request will provide for construction of three buildings, a headquarters building, a vehicle repair facility and a maintenance shop. A fuel island, car wash, 80 parking spaces, covered parking for 40 Service vehicles, and all-terrain vehicle parking are also included in this request.

Rio Grande Border Patrol Station (\$4,200,000) - The existing station is a Service-owned 1,320 foot cinder block building built in 1956 to support a staff of six agents. The station is currently staffed by 38 agents, with greater anticipated growth within the next few years. The requested resources will be used to construct a 21,000 square foot building with 215 parking spaces, covered parking for 90 Service vehicles, and parking for all-terrain vehicles. Also included will be a fuel island, wash rack, emergency generator, vehicle maintenance, and kennel.

Laredo-North Border Patrol Station (\$7,670,000) - The existing station is a 7,344 square foot GSA building built in 1985 to support a staff of 50 agents and one support employee. Currently, there are 125 agents assigned to the station, and staffing levels are expected to grow with the deployment of new agents. The resources requested will be used to construct a 38,000 square foot building that will include a fuel island, car wash canopy, parking for 500 vehicles, covered parking for 200 Service vehicles, an all-terrain vehicle parking area, radio tower, emergency generator, vehicle maintenance, and a firing range.

Presidio Housing (\$1,800,000) - Currently there are 12 aging mobile trailers located in Presidio, Texas -- one of INS' two "hardship" duty stations -- utilized as Government housing for Border Patrol personnel and their families. The resources requested will be used to replace the presently unacceptable housing with permanent housing units between 1,200 and 1,400 square feet, that will include three bedrooms, two and one-half baths, and covered parking.

Planning/Site Acquisition/Design (\$4,206,000) --

Yuma Sector Headquarters	\$ 922,000
EI Centro Border Patrol Station	666,000
EI Centro Sector Headquarters	450,000
Hebronville Border Patrol Station	422,000
Sierra Blanca Border Patrol Station	322,000
Alpine Border Patrol Station	308,000
Brownsville Border Patrol Station	809,000
Douglas Border Patrol Station	307,000
Total	\$4,206,000

Yuma Sector Headquarters (\$922,000) - This facility consists of four separate buildings totaling 13,000 square feet built in 1955. They house the anti-smuggling unit, communications center, electronics shop, maintenance shop and a small garage. The resources requested will be used to design and plan for the construction of approximately 30,000 square feet of Headquarters office and support space. The project will include vehicle maintenance facility, a facilities maintenance shop, radio tower, firing range, 100 parking spaces, 40 covered parking spaces for Service vehicles, emergency generator, fuel island and a car wash rack.

EI Centro Border Patrol Station (\$666,000) - This facility has outgrown a modular building solution that was designed in 1985 to accommodate the station's 77 personnel and activity level of 196 apprehensions per day. This construction project will provide a new 28,000 square foot station, 340 parking spaces, covered parking area for 130 vehicles, radio tower, emergency generator, fuel island, wash rack, vehicle maintenance, and kennels.

El Centro Sector Headquarters (\$450,000) - This facility is presently collocated with both the El Centro Border Patrol Station and the Service Processing Center. This project will provide a 19,000 square foot Headquarters building, a vehicle repair facility, and a facilities maintenance shop, 100 parking spaces, covered parking for 40 Service vehicles, an emergency generator and an indoor firing range.

Hebbronville Border Patrol Station (\$422,000) - The current facility is a 1,200 square foot under block building that was constructed in the 1950s to support eight agents. The station is currently staffed by 59 employees. The resources requested will be used to plan for the construction of a new 17,000 square foot building with fuel island, car wash canopy, parking for 150 vehicles, covered parking for service vehicles, and a firing range.

Sierra Blanca Border Patrol Station (\$322,000) - The current station is a 927 square foot block building that was constructed in 1960 and staffed by five agents. The Station is currently staffed by 28 agents. This project consists of the construction of a 12,000 square foot building that will include parking for 124 vehicles and covered parking for 52 Service vehicles, a radio tower, emergency generator, fuel island, wash rack, and a kennel.

Alpine Border Patrol Station (\$308,000) - This facility is a leased building that formerly housed an automobile dealership. The Station was originally planned to house only 25 agents. It has grown significantly, with an anticipated staffing level that will reach 65 agents with the deployment of new positions in FY 1998 and FY 1999. The resources requested will be used to plan the construction of an 11,600 square foot building that will include a fuel island, car wash canopy, covered parking for Service vehicles, emergency generator, a radio tower, vehicle maintenance, a kennel, and a firing range.

Brownsville Border Patrol Station (\$809,000) - The Brownsville Station was completed in 1976 and designed to accommodate a staff of 25 personnel. The present staffing level is approximately 100 agents and is expected to grow to 250 agents by FY 1998. This request will provide resources to plan the construction of a 36,000 square foot building with 420 parking spaces, covered parking for 170 Service vehicles, parking for all-terrain vehicles, a fuel island, wash rack, radio tower, emergency generator, vehicle maintenance, and kennels.

Douglas Border Patrol Station (\$307,000) - The present 6,144 square foot facility was built in 1987 and designed to accommodate a staff of 35 agents. The current staffing level is 177 agents and 18 support personnel. The resources included in this request will be used to plan the construction of a 9,250 square foot addition to the current station. The project will also include covered parking for 30 Service vehicles and a vehicle maintenance facility.

Military Engineering Support to the Border Patrol (\$5,000,000) --

For several years, INS has taken advantage of a service offered by the Department of Defense, whereby INS provides funding for materials for various "engineering missions that have . . . a counter-drug benefit to the Nation." DOD, in turn, through its Joint Task Force Six (JTF-6), furnishes all labor and conducts all necessary engineering and environmental work at no charge to INS. Because of the many demands made upon the services of JTF-6, it is necessary for them to schedule their projects up to three years in advance, and strictly hold to these schedules.

INS and the Border Patrol have identified a need for \$5,000,000 for eleven JTF-6 projects for border lighting, fencing, vehicle barriers, and roads that will require FY 1978 funding. It should be noted that these projects are all in addition to, and do not duplicate, any of the lighting projects included in the 15 miles of border lighting separately requested above or any of the other projects on the most recent \$50 million Border Patrol Construction List. If INS does not receive funding for these eleven projects in the FY 1978 Budget, it is likely that many of them will never be able to be reinstated on JTF-6's project schedule. If INS were to complete these projects using commercially provided materials, labor, plan and site development, the final cost would increase to \$10-\$15 million.

The eleven projects are listed below, by state and sector:

JOINT TASK FORCE SIX (JTF-6) Military Construction Support for the Border Patrol:
(INS pays for materials only, no charge for labor)

California:		
San Diego Sector:	Vehicle Barriers (20.0 mi) -	\$ 400,000
El Centro Sector:	Calexico, California - Fencing (3.5 mi) -	\$ 200,000
	Vehicle Barriers (25.0 mi) -	\$ 450,000
Arizona:		
Yuma Sector:	Vehicle Barriers (20.0 mi) -	\$ 400,000
Tucson Sector:	Douglas, Arizona: Fencing (2.0 mi) -	\$ 100,000
New Mexico:	Vehicle Barriers (35.0 mi) -	\$ 650,000
El Paso Sector:		
	New Mexico - Vehicle Barriers (35.0 mi) -	\$ 650,000
Texas:		
Del Rio Sector:	Eagle Pass, Texas - LLLTV, erect & install -	\$1,200,000
	Drag Roads (30.0 mi)	\$ 50,000
Laredo Sector:	Stadium Lights (5 mi) -	\$ 400,000
Marfa Sector:	Border Roads (100 mi) -	\$ 500,000
Total		\$5,000,000

Remove Criminal and Non-Criminal Deportable Aliens
Construction Account
(Dollars in thousands)

	Positions	Workyears	Amount
Construction & Engineering	\$14,171

Proposed Actions

One of the INS' core responsibilities is to apprehend and remove aliens who are unlawfully within the United States. INS' detention and removal resources, however, have consistently been overwhelmed by the number of aliens unlawfully in the country and the prohibitive cost to remove them. Beginning in FY 1995, Congress began to address this imbalance with increased appropriations, but limited detention and removal resources remain a major problem. The number of illegal aliens removed has increased significantly in FY 1995 and FY 1996, but thousands of illegal aliens still avoid apprehension or abscond after being issued a final order of removal.

A further strain on INS detention and removal resources resulted with the passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (1996 Act). The 1996 Act dramatically changes some of the provisions of the Immigration and Nationality Act (INA), and results in significant resource and program implications for the INS. In particular, the 1996 Act requires the Attorney General to detain, without possibility of release, a far greater number of aliens than under previous law, including terrorists, many criminal aliens, aliens in expedited removal, and all aliens issued a final order of removal. Once fully implemented, this expanded mandatory detention requirement will consume most of the INS' existing detention space, leaving little room for the detention of other removable aliens.

The FY 1998 request for the removal of criminal and non-criminal deportable aliens has two objectives: 1) to respond to the new requirements as a result of the 1996 Act and, 2) to sustain INS' current efforts toward removing non-criminal deportable aliens. One of the foremost and most basic methods by which INS will restore credibility to the detention process will be by increasing significantly the amount of detention space. It is imperative that INS have the physical facilities to actually place and detain those individuals apprehended by INS' enforcement programs.

A total of \$14,171,000 is requested to support the construction of additional detention bed spaces. One of the INS' core responsibilities is to apprehend and remove those aliens unlawfully within the United States. The total number of illegal aliens has consistently outweighed available detention space. In addition, the existing detention facilities operated by INS require significant renovations and improvements. Without these construction resources, the INS will be unable to adequately detain the rising population

of illegal aliens.

In addition, the INS is proposing a major change in FY 1998 concerning construction planning and budget requests. Prior to FY 1998, the INS requested the entire amount required to design and construct a new facility in one fiscal year. This practice resulted in low obligation rates during the first two years of the project -- the planning and design phases. To correct this problem, a Construction Program Steering Committee was established to review requirements and approve a single set of INS construction priorities. Each approved project has been segmented into a multi-year construction plan, in order to best estimate when each phase of construction will require funding. The INS intends to only request planning, environmental, site acquisition, and design funds in the first year of the cycle, while the actual construction funds will be requested in the following fiscal year. This phased approach to construction budgeting will allow for close alignment of resources by construction phase.

New Construction (\$12,000,000):--

Construction	
Krome Utility Connection	\$2,000,000
Port Isabel Service Processing Center	10,000,000
Total	\$12,000,000

Krome Utility Connection (\$2,000,000) - The Metropolitan Dade County has requested that INS fund a portion of the cost of constructing water and sewer service to the Krome Service Processing Center. The resources requested will provide funds to allow INS to contribute to the Krome utility connection. Water and sewer service is presently provided at the site using an INS owned and operated water and sewage treatment plant. The present capacity of the plant will not support the addition of the 300-bed lockdown dormitory and, therefore, the facility must be connected to the Dade County service.

Port Isabel Service Processing Center (\$10,000,000) - This request will provide resources for construction of Phase II of the Port Isabel Service Processing Center. Phase II includes the construction of those sites designed with FY 1997 resources. These facilities include three additional 200-bed dormitories, a new medical services clinic, interim improvements to the kitchen and dining facility, and completion of site security improvements.

Plan/Site/Design (\$2,171,000):--

Port Isabel Service Processing Center Phase III	\$1,000,000
El Centro Service Processing Center (Renovate)	486,000
Florence Service Processing Center (Renovate)	\$65,000

Varick Street Service Processing Center (Renovate) 100,000
Total 2,171,000

Port Isabel Service Processing Center (\$1,000,000) - The resources requested will be used for the planning and design of Phase III of the Port Isabel Service Processing Center. The projects included in Phase III include facilities for courts, administration, support functions, and vehicle maintenance. These facilities are required to ensure that each bed is utilized to support the detention, processing, and eventual deportation of the maximum number of deportable aliens.

El Centro Service Processing Center (\$486,000) - These resources will be used for the planning, site preparation, and design for renovations and improvements to enable the INS to utilize the existing facility at its maximum capacity. The renovations include the replacement of an existing open drainage canal with an underground pipe system, security improvements, and other general improvements to the administrative and support buildings.

Florence Service Processing Center (\$585,000) - This request will be used for the planning and design of renovations and improvements to enable the INS to utilize the existing facility at its maximum capacity. The renovations include expansion of the medical facility, laundry, storage/warehouse space, and the recreation area.

Varick Street Service Processing Center (\$100,000) - The resources requested will be used for planning and design for numerous safety and health improvements. The projects include the replacement of security glazing, upgrading the emergency generator, separating the detainee day rooms, expanding restrooms, renovating the CCTV system, and adding a secure library and laundry room in the detainee area.

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Immigration and Naturalization Service
Construction Account
Financial Analysis - Program Changes
(Dollars in thousands)

PROFESSIONALISM, BORDER CONTROL & FACILITATION, and REMOVE CRIMINAL/NON-CRIMINAL ALIENS									
Item	Border Patrol		Detention & Deportation		Mgmt. & Admin.		Social, Construction Account		
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	
Grades									
GS-15					1	67	1	67	
GS-14									
GS-13									
GS-12									
GS-11									
GS-9									
GS-7									
GS-6									
GS-5									
GS-4									
Total Positions & Annual Rate					1	67	1	67	
Lapse (-)						(33)		(33)	
Other than permanent									
Other personnel compensation									
Total workyears and personnel									
Compensation					1	34	1	34	
Personnel Benefits						10		10	
Travel and Transportation of persons						2		2	
GSA Rent						10		10	
Comm/Utilities/Miscellaneous						1		1	
Other Services						5,202		5,202	
Supplies and Materials						1		1	
Equipment						12		12	
Land & structures		\$34,276		14,171				48,447	
Total program WY & obligations changes requested, 1996		\$34,276		14,171	1	5,272	1	53,719	

Immigration and Naturalization Service
Construction
Priority Ranking
Fiscal Year 1998

Program	Base Program Ranking	Program Increases Program	Ranking
Construction and Engineering	1	Border Control and Facilitation	1
		Remove Criminal and Non-Criminal Aliens	2
		Professionalism	3

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Category	1996		1997		1998	
	Auth.	Auth.	Auth.	Base Transfer	Program Increases	Request
Engineering and Architecture (800-899).....			2	13	1	16
Washington.....			2	13	1	18
Total.....			2	13	1	18

Immigration and Naturalization Service
 Immigration and Naturalization Service
 Summary of Agents and/or Attorneys and Support Positions
 FY 1997-1998

	1997 Appropriation Anticipated			1998 Program Changes			1998 Request Level		
	Agents	Attorneys	Support	Agents	Attorneys	Support	Agents	Attorneys	Support
	Pos	FTE	Pos	Pos	FTE	Pos	Pos	FTE	Pos
Decision Unit									
Inspection									
Border Patrol									
Investigation									
Detention & Deportation									
Intelligence									
Adjudication & Naturalization									
International Affairs									
Training									
Data & Comm. Systems									
Information & Records Mgmt.									
Consul. & Engineering									
Legal Proceedings									
Management & Administration									
Total									

Immigration and Naturalization Service
Construction
Summary of Change
(Dollars in thousands)

	Positions	Work- years	Amount
1987 President's Request	2	1	\$9,841
Adjustments to base:			
Transfer from Salaries and Expenses appropriation	13	16	15,623
Increases:			
1988 Pay raise	...	...	2
Annualization of FY 1987 program increases	...	1	89
Total, increases	...	1	91
Decreases:			
Non-recurring costs of FY 1987 program increases	...	...	-5,443
Total, decreases	-5,443
1988 Base	15	18	20,112
Program Changes	1	1	53,719
1988 Estimate	16	19	73,831

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Immigration and Naturalization Service
Construction
Justification of Adjustments to Base
(Dollars in thousands)

	Pos.	Work- years	Amount
Adjustments to Base:			
Transfers:			
Base transfer from Salaries and Expenses appropriation	13	16	\$15,623
This transfer from the Salaries and Expenses appropriation combines construction and repair and alteration resources into one account.			
Increases:			
1998 pay raise			2
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 1998 Budget Submissions, August 1, 1996. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$2,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$2,000 for pay).			
Net annualization and non-recurring costs of 1997 program increases			
This provides one FTE and \$89,000 for the annualization of 2 additional positions provided in the FY 1997 appropriation for the Construction and Engineering Program. This request includes \$5,443,000 in nonrecurring costs for one-time items associated with the increased positions approved in FY 1997.			

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	Approved 1997 Increases	Annualization Required
Annual salary rate of 2 approved positions	\$127	\$64
Other personnel compensation		
Less lapse (50%)	-63	
Net Compensation	64	
Associated employee benefits	16	17
Other (non-personnel)		-13
Travel		
Transportation of Things		
GSA Rent	19	6
Communications/Utilities	1	1
Printing/Reproduction		
Other Services	5,413	-1,113
Land and Structures		-4,300
Land and Structures	2	1
Equipment	26	-17
Total costs subject to annualization	5,541	-5,354
Subtotal, increases		13
Total, adjustments to base		13
		17
		10,271
		17
		10,271

Immigration and Naturalization Service
Construction
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1996 Actual Position & Workyears	1997 Estimate Position & Workyears	1998 Request Position & Workyears	Increase/Decrease Position & Workyears	Amount
GS-15, \$75,935-98,714	1	1	
GS-14, \$64,555-83,922	5	5	
GS-13, \$54,829-71,017	...	2	5	3	
GS-12, \$45,939-59,725	2	2	
GS-9, \$31,680-41,185	1	1	
GS-7, \$23,697-33,687	1	1	
GS-6, \$23,305-30,294	1	1	
1998 Pay Raise	\$2
Total positions	...	2	16	14	1,123
Pay above stated annual rates	5
Lapses	...	-1	...	1	64
Savings due to lower pay scales for part of year
Net full-time permanent	...	1	16	15	1,192
Other than permanent:
Temporary employment	3	3	68
Other personnel compensation:
Overtime	12
Total, workyears and personnel compensation	...	1	19	18	1,272
Average GS Salary	...	\$64,000	\$60,000	...	...
Average GS Grade	...	13	12	...	...

Immigration and Naturalization Service
Construction
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1996 Actual Workyears	1996 Actual Amount	1997 Estimate Workyears	1997 Estimate Amount	1998 Request Workyears	1998 Request Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Full-time permanent	1	\$64	16	\$1,256	15	\$1,192
11.3 Other than permanent	3	68	3	68
11.5 Other personnel compensation	12	12	...	12
Total workyears and personnel compensation	1	64	19	1,336	18	1,272
12 Personnel benefits	16	...	393	...	377
21 Travel and transportation of persons	...	\$9	...	...	...	146	...	146
22 Transportation of things	...	1	...	...	...	4	...	4
23.1 OSJ travel	19	...	155	...	136
23.2 Rental payments to others
23.3 Communications, utilities and miscellaneous charges	...	67	...	...	...	...	...	...
24 Printing and reproduction	1	...	...	502	...	501
25 Other services	...	12,288	...	6,379	...	17,949	2	11,570
26 Supplies and materials	...	14,447	...	...	203	203	...	201
31 Equipment	...	138	...	25	...	914	...	889
32 Land and Structures	...	25,765	...	22,627	...	52,135	...	29,508
Total obligations	...	52,715	1	26,133	19	73,831	18	44,698
Unobligated balance, start of year	...	47,047	...	-19,262	...	...	...	...
Unobligated balance, end of year	...	19,282	...	...	...	...	...	...
Reversion	...	40	...	...	...	...	...	...
Total requirements	...	25,000	...	9,841	...	73,831	...	...
Relation of Obligations to Outlays
Total obligations	...	52,715	...	26,133	...	73,831	...	...
Obligated balance, start of year	...	333	...	4,895	...	...	...	...
Obligated balance, end of year	...	49,864	...	-52,342	...	-68,274	...	...
Adjustment in unexpended accounts	...	4,895	...	...	...	...	...	...
Outlays	...	-1,081	...	-18,514	...	5,557	...	...

Department of Justice
Immigration and Naturalization Service
Immigration Legalization
Estimates for Fiscal Year 1998
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Immigration and Naturalization Service
Immigration Legalization
Summary Statement
Fiscal Year 1998

The Immigration and Naturalization Service (INS) is requesting 25 positions, 21 workyears, and \$1,259,000 in the Immigration Legalization Account. This resource level contains a decrease of 30 positions, 4 workyears, and \$728,000, reflecting a phase-down of activities supported by this account.

The Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603, Title II, Sections 201-204, established a legalization program that provided temporary resident status to aliens who entered the United States illegally or lapsed into illegal status prior to January 1, 1982, resided continuously in the United States since then, and are not excludable. The legislation also provided for adjustment to permanent resident status after 18 months of temporary status upon showing general admissibility and basic citizenship skills. Section 202 further provided for adjustment to permanent resident status of certain Cubans and Haitians who entered the U.S. prior to January 1, 1982. The Immigration Act of 1990 provided a one-year extension of the deadline for filing applications for adjustment from temporary to permanent resident status.

This request will allow INS to complete the processing of applications for permanent resident status and to shift its remaining resources to process appeals. There are several class action lawsuits pending against INS which are related to the Legalization program. The INS will keep the committees apprised of any legal settlements or judicial decisions that affect future resource requirements.

Immigration and Naturalization Service
Immigration Legalization
Crosswalk of 1997 Changes
(Dollars in thousands)

Activity/Program	1997 President's Budget Request			Congressional Appropriation Action on 1997 Request			1997 Appropriation Anticipated		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Citizenship and Benefits:									
a. Adjudications and Naturalization.....	50	21	\$1,579	...	...	...	50	21	\$1,579
2. Immigration Support:									
b. Information & Records Management..	2	1	44	...	...	...	2	1	44
c. Legal Proceedings.....	3	3	270	...	...	...	3	3	270
Subtotal.....	5	4	314	...	...	...	5	4	314
Total Obligations.....	55	25	1,893	...	...	...	55	25	1,893

Immigration and Naturalization Service
Immigration Legalization
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	WY	Amount					
Adjustments to base								
1997 Appropriation anticipated	55	25	\$1,893					
Increases (automatic, non-policy)	"	"	84					
1998 Base	55	25	1,987					
Program Changes	-30	-4	-728					
1998 Request	25	21	1,259					
	1997 Appropriation Anticipated		1998 Base		1998 Request		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Estimates by budget activity								
1. Citizenship and Benefits	50	21 \$1,579	50	21 \$1,655	21	18 \$1,027	-29	-3 -\$828
	5	4 314	5	4 332	4	3 232	-1	-1 -100
2. Immigration Support	55	25 1,893	55	25 1,987	25	21 1,259	-30	-4 -728
Total								

Immigration and Naturalization Service
Immigration Legalization
Summary of Requirements
(Dollars in thousands)

	1986 Actual	1987 Appropriation Anticipated	1988 Request
Financing			
Unappropriated balance, start-of-year.....	\$4,503	\$3,619	\$2,226
Receipts.....	503	500	..
Total available for appropriation.....	5,006	4,119	2,226
Appropriation.....	-1,387	-1,893	-1,259
Unappropriated balance available, end-of-year.....	3,619	2,226	967
Obligations.....	1,444	1,893	1,259
Recovery of prior year obligations.....	-57	..	..
Total requirements.....	1,387	1,893	1,259
Obligations by program			
Citizenship and Benefits:			
Adjudications and Naturalization.....	1,163	1,579	1,027
Immigration Support:			
Information and Records Management.....	19	44	45
Legal Proceedings.....	262	270	187
Subtotal.....	281	314	232
Total obligations.....	1,444	1,893	1,259

Immigration and Naturalization Service
Immigration Legislation
Summary of Resources by Program
(Dollars in thousands)

	1996 As Enacted			1996 Actual			1997 Appropriation			1998 Base			1998 Request			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Estimates by Program																		
Citizenship and Benefits																		
Adjudications and Naturalization	50	21	\$1,516	50	22	\$1,163	50	21	\$1,579	50	21	\$1,655	21	18	\$1,027	-29	-3	-\$628
Immigration Support																		
Information and Records Mgmt	2	1	43	2	1	19	2	1	44	2	1	45	2	1	45			
Legal Proceedings	3	3	262	3	3	262	3	3	270	3	3	287	2	2	187	-1	-1	-100
Subtotal	5	4	305	5	4	281	5	4	314	5	4	332	4	3	232	-1	-1	-100
Total INS	55	25	1,821	55	26	1,444	55	25	1,893	55	25	1,987	25	21	1,259	-30	-4	-\$728
Total FTE Workyears	25			26			25			25			21			-4		
Overtime																		
Total	25			26			25			25			21			-4		
Total compensable workyears																		

Immigration and Naturalization Service
Immigration Legalization
Program Performance Information
(Dollars in Thousands)

The Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603, Title II, Sections 201-204, established a legalization program that provided temporary resident status to aliens who entered the U.S. illegally or lapsed into illegal status prior to January 1, 1982, resided continuously in the U.S. since then, and are not excludable. The legislation also provided for adjustment to permanent resident status after 18 months of temporary status upon showing general admissibility and basic citizenship skills. Section 202 further provided for adjustment to permanent resident status of certain Cubans and Haitians who entered the U.S. prior to January 1, 1982. The Immigration Act of 1990 provided a one-year extension of the deadline for filing applications for adjustment from temporary to permanent resident status.

The processing of appeals of denials for permanent resident status will continue through 1998. The request will allow the Service to complete processing of the small number of applications for permanent resident status and to shift additional resources to processing of appeals. Sufficient carryover resources will exist to fund the ongoing costs of this level of activity. All of the Legalization Offices have been closed except for the Los Angeles and Manhattan offices. The Legalization Regional Processing Facilities have been merged into the INS Service Centers within the Examinations program. The Legalization component of these centers will be phased out as work is completed, and remaining resources, such as equipment, will be used to improve the processing of ongoing casework at the Centers.

Several class action suits relating to the Legalization program are pending final resolution in the courts. The Service's field offices continue to accept applications related to these court cases until there is a final resolution in the Federal courts.

Depending upon the outcome, final court action resolving these cases could generate limited additional processing in the future. The request for FY 1998 will cover processing costs and the costs of appeals processing.

ACTIVITY: CITIZENSHIP AND BENEFITS

	Perm. Pos.	FTE	Amount
Adjustments & Naturalization			
1997 Availability	50	21	\$1,579
1998 Base	50	21	1,655
1998 Request	21	18	1,027
Increase/Decrease	-29	-3	-628

BASE PROGRAM DESCRIPTION:

- The Immigration Legalization program is responsible for processing applications for permanent resident status in accordance with the Immigration Reform and Control Act of 1986 (IRCA) (P.L. 99-603, Title II, Sections 201-204). The Act established a legalization program that provided temporary resident status to aliens who entered the U.S. illegally or lapsed into illegal status prior to January 1, 1982, resided continuously in the U.S. since then, and are not excludable. The legislation also provides for adjustment to permanent resident status after 18 months of temporary status upon showing general admissibility and basic citizenship skills.
- With the exception of residual cases, the processing of all applications was completed in 1993. Processing of appeals of denials will continue during 1998.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Information and Records			
1997 Availability	2	1	\$44
1998 Base	2	1	45
1998 Request	2	1	45
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- This program provides information and records management support to the staff of the Legalization Appeals Unit (LAU).
- Provides correspondence management support to the staff of the LAU to ensure compliance with the Freedom of Information Act and the Privacy Act.
- Ensure efficient records management in the life cycle of records. Ensure efficient mail and correspondence management practices.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Legal Proceedings			
1997 Availability	3	3	\$270
1998 Base	3	3	287
1998 Request	2	2	187
Increase/Decrease	-1	-1	-100

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BASE PROGRAM DESCRIPTION:

- The Legal Proceedings program provides legal representation for the United States Government in legalization cases and matters arising before Immigration Judges and the Board of Immigration Appeals;
- Represents INS in other legalization-related administrative hearings; provides legal advice and support to INS personnel regarding legalization-related matters;
- Represents INS in cases stemming from the legalization statutes being tried in the Federal courts.

Immigration and Naturalization Service

Immigration Legalization

Initiative

(Dollars In thousands)

	<u>Positions</u>	<u>Workyears</u>	<u>Amount</u>
Adjudications and Naturalization	-29	-3	-\$628
Legal Proceedings	-1	-1	-100
Total:	-30	-4	-728

Proposed Actions

The workload supported by the Immigration Legalization account is winding down. At this time, INS is adjudicating and litigating the remaining appeals. These program changes represent a reduction in positions and workyears and associated funding to reflect current receipts and the workload levels for the Immigration Legalization account.

Immigration and Naturalization Service
Immigration Legalization
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Adjudications and Naturalization		Legal Proceedings		Grand Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades						
GS-14.....	...	...	-1	-\$72	-1	-72
GS-11.....	-29	-\$1,014	...	...	-29	-\$1,014
Total Positions & Annual Rate	-29	-1,014	-1	-72	-30	-1,086
Lapse (-).....	26	706	...	...	26	706
Other personnel compensation.....			...	...	...	...
Total workyears and personnel	-3	-308	-1	-72	-4	-380
Compensation.....						
Other than Permanent.....		-22		...		-22
Other Personnel Compensation.....		-9		...		-9
Personnel Benefits.....		-82		-23		-105
Travel and transportation of persons...		-1		...		-1
GSA Rent.....		-51		-5		-56
Comm/Utilities/Miscellaneous.....		-6		...		-6
Other Services.....		-91		...		-91
Supplies and Materials.....		-50		...		-50
Equipment.....		-8		...		-8
Land & structures.....		...		...		...
Total program WY & obligations	-3	-628	-1	-100	-4	-728
changes requested, 1998.....						

Immigration and Naturalization Service
 Immigration Legalization
 Priority Ranking
 Fiscal Year 1998

Program	Base Program	Ranking
Adjudications and Naturalization		1
Legal Proceedings		2
Information and Records Management		3

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Immigration and Naturalization Service
Immigration Legalization
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996		1997		1998	
	Auth.		Auth.		Change	Request
Attorneys (905)		2		2	-1	1
Paralegal Specialist (950)		1		1		1
Contact Representatives (982)		1		1		1
Adjudications Officer (1801)		51		51	-29	22
Total		55		55	-30	25
Washington		55		55	-30	25
Total		55		55	-30	25

Investigation and Immigration Service
Immigration Legislation
Summary of Agents and Other Personnel and Support Positions
FY 1987-1988

	1987 Appropriation Anticipated				1989 Program Changes				1988 Request Level			
	Agents Pos.	FTE	Support Pos.	Total Pos.	Agents Pos.	FTE	Support Pos.	Total Pos.	Agents Pos.	FTE	Support Pos.	Total Pos.
Decision Unit												
Inspections												
Border Patrol												
Investigations												
Detention & Deportation												
Intelligence												
Adjudications & Naturalization												
International Affairs												
Training												
Off & Comm. Systems												
Information & Records Mgmt												
Civil & Engineering												
Legal Proceedings												
Management & Administration												
Total	2	2	53	55	1	1	29	30	1	1	24	25

Immigration and Naturalization Service
Immigration Legalization
Summary of Change
(Dollars in thousands)

	Positions	Work- years	Amount
1997 Appropriation Anticipated.....	55	25	\$1,893
Adjustments to base:			
Increases:			
1998 Pay raise.....	...	...	60
Annualization of 1997 pay raise.....	...	...	18
Within - grade increases.....	...	...	11
General pricing level adjustments.....	...	...	5
Total, increases.....	94
1998 Base.....	55	25	1,987
Program Changes.....	-30	-4	-728
1998 Request.....	25	21	1,259

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Immigration and Naturalization Service Immigration Legalization Justification of Adjustments to Base (Dollars in thousands)		Amount
Adjustments to Base.		
Increases (Automatic, Non-Policy):		
1998 pay raise		\$60
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the 1998 President's budget request. The amount requested, \$60,000, represents the pay amounts for three quarters of the fiscal year plus appropriate benefits (\$45,000 for pay and \$15,000 benefits = \$60,000).		
Annualization of 1997 pay raise		18
This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent, plus appropriate personnel benefits (\$13,000 for pay and \$5,000 for benefits).		
Within-grade increases		11
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$8,000 for pay and \$3,000 for benefits.		
General pricing level adjustments		3
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, equipment, contracts with the private sector, printing costs, transportation costs and utilities.		
Total, adjustments to the base		94

Immigration and Naturalization Service
Immigration Legalization
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1996 Actual		1997 Appropriation		1998 Request		Increase/Decrease	
	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount
GS-14, \$64,555-\$3,922	4		4		3		-1	
GS-11, \$36,330-\$9,831	37		37		9		-28	
GS-9, \$31,680-\$1,185	10		10		9		-1	
GS-7, \$25,897-\$3,667	4		4		4			
Locality Pay		\$13		\$13				
1996 pay raise		70		70				
1997 pay raise				46		\$46		
1998 pay raise						60		
Total positions	55	2,183	55	2,302	25	992	30	\$1,310
Pay above stated annual rates		8		9		4		5
Lapses	-32	-1,436	-34	-1,522	-4	-201	30	1,321
Savings due to lower pay scales for part of year		18		-11		-15		-4
Net full-time permanent	23	737	21	778	21	780		2
Other than permanent								
Temporary employment	3	130	4	287			-4	-287
Other personnel compensation								
Overtime		23		9				9
Total, workyears and personnel compensation	26	890	25	1,074	21	780	-4	-294
Average GS Salary		\$32,043		\$37,047		\$37,142		
Average GS Grade		9.2		9.6		9.6		

Immigration and Naturalization Service
Immigration, Legalization
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1996 Actual		1997 Appropriation		1998 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent	23	\$737	21	\$778	21	\$780		\$2
11.3 Other than permanent	3	190	4	287			4	-287
11.5 Other personnel compensation	23	23		9				9
Total workyears and personnel compensation	26	890	25	1,074	21	780	4	-294
12 Personnel benefits		184		308		226		-82
21 Travel and transportation of persons		1		3		2		-1
22 Transportation of things								
23 GSA rent		168		168		112		-56
23.1 Rental payments to others								
23.2 Communications, utilities and miscellaneous charges		18		17		11		-6
24 Printing and reproduction								
25 Other services		167		168		79		-89
26 Supplies and materials		16		85		37		-48
31 Equipment				70		12		-58
42 Refunds								
Total obligations	26	1,444	25	1,893	21	1,259	4	-634
Relation of obligations to outlays								
Total obligations		1,444		1,893		1,259		-634
Recovery of prior years obligations		-57						
Outlays		1,387		1,893		1,259		-634

**Department of Justice
Immigration and Naturalization Service
Immigration User Fee
Estimates for Fiscal Year 1998
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Immigration and Naturalization Service
Immigration User Fee Account
Summary Statement
Fiscal Year 1998

For FY 1998, the Immigration and Naturalization Service (INS) requests 3,649 positions, 3,539 workyears, and \$419,296,000 for the Immigration User Fee account. This request represents an increase of 298 positions, 599 workyears, and \$41,897,000 over the enacted level for FY 1997.

The Immigration User Fee account was established in the 1987 Appropriations Act for the Department of Justice (P.L. 99-591).

Section 205 of the Act directed the Attorney General to charge and collect a \$5.00 user fee from each individual arriving in the United States aboard a commercial aircraft or vessel from foreign locations (other than Mexico, Canada, and the adjacent islands).

In the 1991 Appropriations Act, the Congress removed the fee exemption for Canada, Mexico, and the contiguous territories for air ports-of-entry, as well as placing a 45-minute immigration inspection standard at air ports-of-entry. The Department of Justice Appropriations Act of 1994 (P.L. 103-121) increased the user fee from \$5.00 to \$6.00.

These fees are deposited into the Immigration User Fee account and are available for use to provide immigration inspection services for commercial aircraft and vessels; administer debt collection activities, including the establishment and operation of a National Collections Office; expand and operate information systems for non-immigrant control and debt collection; detect fraudulent documents used by air and sea passengers traveling to the United States; detain and deport excludable aliens arriving on commercial aircraft and vessels; detain and deport excludable aliens who attempt illegal entry through avoidance of immigration inspection at air or sea ports-of-entry; provide exclusion and asylum proceedings at air or sea ports-of-entry; and provide necessary operations support to ensure that the objectives of the programs are achieved.

Prior to FY 1997, two-thirds of the Immigration and Nationality Act (INA) Section 271 and 273 fines were deposited into the Immigration User Fee account, but were unavailable to be spent on User Fee activities as required by Section 286(h) of the INA. However, beginning in FY 1997, these fines, plus additional fines as stated under Section 382 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, will be deposited into the Immigration Enforcement Account.

Revenue Assumptions

The FY 1997 and FY 1998 collections estimates used FY 1996 as a collections base, and include an annual increase in international passenger traffic of 6.6 percent based upon Federal Aviation Administration projections. The estimated revenue could also be affected by changes in legislation.

An amendment to the appropriations language has been submitted to remove the User Fee exemption for passengers arriving in the United States from Canada, Mexico, and adjacent islands on commercial vessels as part of the President's FY 1998 budget submission. It is estimated that removal of the commercial vessel exemption will generate \$20.4 million in FY 1998. This revenue is assumed in this budget proposal.

Professionalism

INS requests an increase of 4 positions, 2 workyears and \$2,000,000 for the Statistical Analysis Program. The resources will allow INS to keep pace with an increasing workload and expand the quantity and quality of professional analytical services provided to other program areas within INS, and to external audiences. The increased demand for information for management purposes has placed greater emphasis on INS statistical activities, including improvements in the timeliness, accuracy, usefulness, and frequency of reporting of the captured data. The Statistical Analysis Program must also provide essential information and statistical models to assist the Office of Budget in projecting future revenue in the User Fee account. In addition, the request will enable the Office of Policy and Planning to properly carry out planning activities, data analyses responsibilities, and evaluations of the operational requirements for User Fee funded programs.

Border Control and Facilitation

Total program increases of 294 positions, 147 workyears, and \$28,145,000 are requested to support the Border Control and Facilitation Initiative. Specifically, the FY 1998 request includes 277 positions, 136 workyears, and \$17,699,000 to increase airport and seaport staffing, as well as to allow INS to meet the 45-minute standard for air passenger inspection. This increase will be allocated to offset moderate nationwide traffic growth at the major locations and to allow INS to target dedicated positions to ports undergoing extensive facilities expansion. This request includes 265 inspectors and 12 support positions. An additional \$200,000 is requested for carbon dioxide detectors to be used to determine the presence of stowaways in hidden compartments on vessels.

In addition, this request includes 12 positions, 6 workyears, and \$1,715,000 to provide staffing to three new airports that will become operational in Medford, OR; Palm Springs, CA; and Halifax, Nova Scotia. INS also requests 4 positions, 2 workyears, and \$2,507,000 to expand the departure management program at airports through the I-94 automation project and the joint INS-Department of State DataShare project.

Resources are also being requested to improve and expand the automation used by the Inspections program at air and sea ports-of-entry. A total of \$2,100,000 is requested to expand INSPASS to 10 sites. These resources will also support the installation of IBIS imaging workstations at 5 sites (\$100,000); the deployment of 100 PALS notebooks to remote air and sea ports to allow inspectors to quickly identify persons, detect fraud, share intelligence with Department of State on possible terrorists or other potential targets, and exclude violators of immigration law (\$500,000); 1 position, 1 workyear, and \$1,324,000 to oversee the deployment of new IBIS program technology and 11 contractor positions; and, \$2,600,000 for expansion of the IDENT and ENFORCE systems to inspectors and other user-fee funded personnel.

Immigration and Naturalization Service
Immigration User Fee
Overview of 1997 Changes
(Dollars in thousands)

Activity/Program	1997 President's Budget Request		Transfer Between Accounts		Reprogramming		1997 Appropriation	
	Pos.	WT	Amount	Amount	Pos.	WT	Pos.	WT
1. Enforcement								
a. Inspection.....	2,722	2,368	\$239,688	...	-5	-4	\$8,831	2,727
b. Investigation.....	68	49	6,423	...	...	...	-69	66
c. Detention & Deportation.....	122	165	81,477	...	-2	-1	11,837	190
d. Intelligence.....	22	25	3,132	...	...	...	1	22
Subtotal.....	3,020	2,627	308,755	...	-7	-5	5,148	3,013
2. Citizenship and Benefits								
a. International Affairs.....	...	...	...	...	...	...	...	...
3. Immigration Support								
a. Training.....	30	26	2,576	...	...	...	12	30
b. Data & Communications.....	31	26	36,910	...	...	...	-76	31
c. Information & Records Management.....	26	31	1,739	...	...	...	-42	36
d. Construction & Engineering.....	2	2	181	...	...	...	5	2
e. Legal Proceedings.....	65	61	5,210	...	...	...	-11	62
Subtotal.....	154	146	47,396	...	...	...	-102	154
4. Program Direction								
a. Management and Administration.....	187	165	19,813	...	7	5	-4,551	174
Total.....	3,351	2,940	376,964	...	...	...	435	3,351
Obligations from fines.....	...	...	11,700	-11,700	...	...	...	...
Total Obligations.....	3,351	2,940	388,664	-11,700	...	...	435	3,351

Transfer Between Accounts. This reflects the transfer of \$11,700,000 from Fines to the new Immigration Enforcement Account, which has been established in compliance with Section 382 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Reprogramming. The reprogramming of resources reflects the permanent effects of the August 8, 1996, and December 23, 1996, reprogramming notifications. In the narrative accompanying the August 8, 1996, notification, it was stated that the reprogramming was of a permanent nature and would carry over into FY 1997.

Immigration and Naturalization Service
Immigration User Fee
Summary of Requirements
(Dollars in thousands)

Adjustments to the base.	1987 Appropriation Anticipated		1988 Base		1988 Request		Increase/Decrease	
	Perm. Est.	WY	Perm. Est.	WY	Perm. Est.	WY	Perm. Est.	WY
1987 Appropriation Anticipated	3,351	2,940						
Increases (Automatic, non-policy)								
Restoration of 1986 FTE Reduction		100						
1988 Base	3,351	3,040	3,013	3,050	3,306	3,196	200	148
Program Changes (See Program Narrative for Details)								
1988 Request	3,351	3,140	3,013	3,050	3,306	3,196	200	148
Estimates by budget activity								
1. Enforcement	3,013	2,822	3,013	3,050	3,306	3,196	200	148
2. Citizenship and Benefits								
3. Immigration Support	164	148	164	161	165	162	1	1
4. Program Operation	174	170	174	179	176	181	2	2
Total	3,351	3,140	3,013	3,050	3,306	3,196	200	148

Immigration and Naturalization Service
Immigration User Fee
Summary of Requirements
(Dollars in thousands)

	1988 Actual	1987 Appropriation Anticipated	1988 Request
Enforcing			
Unappropriated balance, start-of-year	\$47,054	\$84,158	\$88,148
Receipts	355,038	358,388	401,833
Total available for appropriation	401,090	443,547	488,081
Appropriation	(318,832)	(377,389)	(519,288)
Unappropriated balance, end-of-year	84,158	86,148	48,785
Obligations			
Recovery of prior year obligations	319,751	377,389	419,298
Total requirements	(2,813)	--	--
	316,932	377,389	419,298
Obligations by program			
Enforcement			
Inspections	188,288	233,087	264,579
Investigations	5,017	6,364	5,518
Detention and Deportation	59,211	73,314	78,339
Intelligence	2,588	3,158	3,244
Subtotal	255,062	314,903	348,678
Immigration Support			
Training	6,557	2,888	2,999
Data and Communications	33,783	38,834	42,251
Information and Records Management	1,495	1,897	1,985
Construction and Engineering	131	156	160
Legal Proceedings	5,294	5,888	5,885
Subtotal	47,260	47,234	52,940
Program Direction, Management and Administration			
Obligations from fees	15,148	15,262	12,678
	317,470	377,389	419,298
Obligations from Fees	2,281	--	--
Total Obligations	319,751	377,389	419,298

*In accordance with Section 382 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1986, beginning in FY 1987, two-thirds of the Immigration and Nationality Act 271 and 273 fees will be deposited in the Immigration Enforcement Account. Therefore, those amounts are not included in these estimates.

Immigration and Naturalization Service
Immigration User Fee
Summary of Resources by Program
(Columns in thousands)

	1996 as Enacted			1996 Actual			1997 Appropriation			1998 Base			1998 Request			Increase/Decrease		
	Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount
Estimates by program																		
Admission	2,544	2,273	\$194,783	2,544	2,447	\$168,296	2,727	2,364	\$203,087	2,727	2,787	\$242,458	3,020	2,813	\$264,579	293	148	\$22,121
Inspections	67	48	5,097	68	48	5,017	68	48	5,384	68	68	5,518	68	68	5,518	-	-	-
Investigations	192	185	60,368	192	181	59,211	190	164	73,314	190	190	75,339	190	190	75,339	-	-	-
Detention & Deportation	27	25	3,085	27	23	2,568	27	25	3,158	27	27	3,245	27	27	3,245	-	-	-
Inspection & Deportation	2,652	2,532	263,281	2,652	2,700	235,062	3,013	2,822	314,903	3,013	3,060	326,567	3,308	3,196	346,078	293	148	\$22,121
Subtotal																		
Citizenship and Benefits																		
International Affairs																		
Immigration Support																		
Training	20	28	8,681	20	28	8,527	20	28	8,888	20	28	8,988	20	32	2,988	-	-	-
Office of Communications Systems	31	28	33,178	31	28	33,783	31	28	36,834	31	28	36,227	32	30	42,251	1	1	6,024
Information & Records Management	36	31	1,560	36	27	1,485	36	31	1,867	36	35	1,895	36	35	1,895	-	-	-
Construction & Engineering	2	2	152	2	2	131	2	2	156	2	2	160	2	2	160	-	-	-
Legal Proceedings	65	61	5,523	65	60	5,284	65	61	5,899	65	63	5,885	65	63	5,885	-	-	-
Subtotal	164	148	47,375	164	142	47,280	164	148	47,234	164	161	48,316	165	162	52,940	1	1	6,074
Program Director																		
Management and Administration	107	105	13,827	107	158	15,148	124	170	15,282	124	178	15,878	128	181	17,878	4	2	2,000
Total	3,183	2,845	328,623	3,183	3,001	317,070	3,351	2,840	377,399	3,351	3,390	389,151	3,649	3,536	419,296	296	149	\$30,145
Obligations from fees																		
Total obligations	3,183	2,845	333,823	3,183	3,001	318,751	3,351	2,840	377,399	3,351	3,390	389,151	3,649	3,536	419,296	296	149	\$30,145
Other Workyears																		
1851 Act	1,101			982			990			410			410					
Other	188			243			183			203			203					
Total compensable workyears	4,183			3,862			3,546			4,028			4,177					

Immigration and Naturalization Service
Program Performance Information
Immigration User Fee
(Dollars in thousands)

The Immigration User Fee account was established in the Department of Justice Appropriations Act of 1987, (P.L. 99-591). Section 205 of the law directed the Attorney General to charge and collect a \$5.00 user fee from each individual arriving in the United States aboard a commercial aircraft or vessel from foreign locations (other than Mexico, Canada, and the adjacent islands).

In the FY 1991 Appropriations Act, the Congress removed the fee exemption for Canada, Mexico and the contiguous territories for air ports-of-entry, and placed a 45 minute immigration inspection standard at air ports-of-entry. The Department of Justice Appropriations Act of 1994 (P.L. 103-121) increased the user fee from \$5.00 to \$6.00.

All fees are deposited into an Immigration User Fee account. The resources are to be used to provide immigration inspection services for commercial aircraft and vessels; administer debt collection activities, including the establishment and operation of a National Collections Office; expand and operate information systems for non-immigrant control and debt collection; detect fraudulent documents used by air and sea passengers traveling to the United States; detain and deport excludable aliens arriving on commercial aircraft and vessels; detain and deport excludable aliens who attempt illegal entry through avoidance of immigration inspection at air or sea ports-of-entry; provide exclusion and asylum proceedings at air or sea ports-of-entry; and provide necessary support for operations to assure that the objectives of the programs are achieved.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Inspections			
1997 Availability	2,727	2,364	\$233,067
1998 Base	2,727	2,767	242,458
1998 Estimate	3,020	2,913	264,579
Increase/Decrease	293	146	22,121

BASE PROGRAM DESCRIPTION:

- The function of this program is to enforce and administer the immigration and nationality laws with respect to the inspection of all persons seeking admission into the United States at air and sea ports-of-entry. Applicants for admission are inspected at air and sea ports-of-entry to determine if they qualify for admission, and, if so, under what conditions. This process is coordinated with the Department of State, the U.S. Customs Service, the Department of Agriculture, and local port authorities. Determination of inadmissibility is based on the examination of the applicant, related documents, or prior information. Local and national lookout systems containing information relating to excludable aliens are available for use at each port-of-entry. Inadmissible aliens are denied entry. Any criminal activity discovered in the inspection process is referred to the appropriate law enforcement agency for investigation. Applications and petitions for a full range of benefits under the immigration laws are adjudicated during periods of standby time at most ports-of-entry during non-peak workload hours.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Investigations			
1997 Availability	69	49	\$5,364
1998 Base	69	66	5,516
1998 Estimate	69	66	5,516
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- Generally, the functions of the Investigations program include the detection of criminal law violations and the identification of violators through undercover operations and traditional investigative procedures to initiate criminal prosecution and/or administrative action. Many cases investigated involve violators associated with large-scale, organized criminal conspiracies. Quite often, these criminal alien organizations are simultaneously engaged in other illegal activities such as racketeering, alien smuggling, immigration benefit fraud, counterfeiting, prostitution, official corruption, extortion, narcotics and weapons trafficking on a national or international scale. Special Agents identify these organizations through interviews, informants, surveillance, and through undercover and task force operations. Investigative task force operations include a combination of resources of several offices and agencies.

- More specifically, these resources are focused on one of the basic enforcement priorities of the INS: detection and deterrence of fraud and smuggling. The principal goal is to discourage illegal immigration through major ports-of-entry (primarily airports) via fraud. In an effort to accomplish this goal, the INS is aggressively targeting complex criminal organizations involved in immigration benefit fraud and counterfeit document fraud. Smuggling cases typically involve the investigation of major international alien smuggling and criminal organizations. Many smuggling cases have shown extensive networks used to move aliens via the use of fraudulent documents and circuitous routes to reach this country.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Detention and Deportation			
1997 Availability	190	184	\$73,314
1998 Base	190	190	75,339
1998 Estimate	190	190	75,339
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- Detention and Deportation program functions include the detention, removal, parole and deportation of aliens. INS utilizes Service Processing Centers (SPC's), contract facilities, Joint INS/BOP Federal Facilities, and State/Local facilities to detain, until ready for removal, those aliens subject to exclusion proceedings who are likely to abscond or whose freedom at-large would represent a danger to public safety and security. In the performance of the deportation function, the INS maintains a system of controls that ensures that every case involving an excludable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Intelligence			
1997 Availability	27	25	\$3,158
1998 Base	27	27	3,244
1998 Estimate	27	27	3,244
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- This program provides strategic and tactical intelligence support to INS offices enforcing the provisions of the Immigration and Nationality Act, and assists other Federal agencies in addressing national security issues. The INS' document laboratory is a critical component of the program. Intelligence support contributes to efforts aimed at preventing the entry of illegal aliens, terrorists and narcotics traffickers, and detecting fraudulent documents, alien smuggling, false claims to citizenship and other fraud.
- The INS will pursue a proactive international enforcement strategy in identifying, investigating, deterring, disrupting and reducing illegal activities at their source, and at key overseas transit locations used by smugglers and mala fide aliens bound for the United States.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Training			
1997 Availability	30	26	\$2,888
1998 Base	30	32	2,969
1998 Estimate	30	32	2,969
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of this agency's workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organization needs.
- These resources are used to implement a strategic plan for the long-range career development of our journeyman-level employees through the use of emerging technology keyed to a distributed learning environment.
- New training technology affords the INS an opportunity to provide continuous training for all INS employees at or near their duty station in order to reduce travel costs. Distributed learning methodology will be utilized to reduce the INS' dependency on residential-based training. While certain requirements such as basic training, firearms and driver training, and other courses involving group interaction and practical exercises may justify a group/residential learning environment, many learning objectives can be addressed by distributed learning packages utilizing video cassettes, workbooks, and computer-based instruction and, in certain instances, video conferences. This training can be learner-based, self-paced, ongoing, and reusable. Distributed learning technology allows for disseminating information, increasing certain skills, and changing attitudes.

ACTIVITY: IMMIGRATION SUPPORT

	Perm.	FTE	Amount
Data & Communications Systems			
1997 Availability	31	28	\$36,834
1998 Base	31	29	36,227
1998 Estimate	32	30	42,251
Increase/Decrease	1	1	6,024

BASE PROGRAM DESCRIPTION:

- The Data and Communications Program provides direct support for operational programs as well as for administrative support functions of the Service. There are six major technology programs included under the Data and Communications Program plus the functions collectively known as Information Resources Management (IRM) Operations. Of the six program areas, each of

which consist of one or more projects in addition to the normal operations and maintenance required for existing systems and technologies, there are three that apply to the Immigration User Fee Account. They are:

Inspections Systems - The Inspections System Program supports efforts to control admissions at ports-of-entry and enhance the INS Inspection function. Three major automation efforts included under this program are the Interagency Border Inspection System (IBIS), the INS Passenger Accelerated Services System (INSPASS), and the Dedicated Commuter Lane (DCL).

IBIS, a system operated jointly with the U.S. Customs Service and Departments of State and Agriculture, is used at ports-of-entry to facilitate inspection and to identify criminals. IBIS is currently installed at major air and land border ports-of-entry. INSPASS is an automated inspection system for low-risk, frequent travelers using automated inspection kiosks. This system is currently installed at several of the Nation's major international airports. DCL allows border crossers already inspected by INS to use automated verification instead of manual inspection. This program will develop and deploy machine readable travel documents, which will allow for positive identification of air travelers destined for the United States.

A combination of technology and advanced production techniques will produce entry documents that are fraud resistant and easy to use. Profile scanning and a sophisticated worldwide law enforcement network will quickly and accurately identify persons of interest. Smart card technology, with positive identification features, will facilitate the quick and accurate inspection of low-risk, frequent land travelers. Technology will allow for improved service to the public while increasing the number of inspection hours devoted to high-risk activities.

In FY 1998, INS will provide services to operate and maintain the Inspections information technology systems developed and employed in FYs 1995 through 1997.

Biometric Identification Systems - The INS is developing a single fingerprint-based identification system that will enable it to rapidly and accurately identify persons of interest. IDENT is the current INS fingerprint-based identification subsystem that is used by INS law enforcement and benefit systems to assist in the positive identification of persons who are arrested well as those who apply for benefits, including the identification of travelers referred to secondary inspection processing and for automation inspection.

Enforcement System - In FY 1998, INS will continue with the deployment of ENFORCE Phase II at designated INS sites and the continued implementation of the EVRP. The INS will also continue providing services to support and maintain the applications systems that support the Enforcement Systems Program (i.e., ENFORCE and ICAD).

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Information & Records Management			
1997 Availability	36	31	\$1,657
1998 Base	36	35	1,695
1998 Estimate	<u>36</u>	<u>35</u>	<u>1,695</u>
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- The functions of this program are to: (1) provide responses to inquiries from local, State and Federal agencies, and the various branches of government, by telephone, in person, and in writing; (2) maintain alien records and files from which data may be readily obtained to respond to requests from both inside and outside INS; (3) recommend guidelines, policies, procedures, and responses to records requests; and (4) compile statistics for use in preparing regular and special reports about Service operations and work accomplishments.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Construction & Engineering			
1997 Availability	2	2	\$156
1998 Base	2	2	160
1998 Estimate	<u>2</u>	<u>2</u>	<u>160</u>
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- The function of this program is to provide for the acquisition, design, construction, alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the INS is the owning or leasing agency. Space is acquired through the General Services Administration (GSA), by lease, and through assignment by airport authorities. New inspection

facilities are coordinated as necessary with the U.S. Customs Service, Public Health Service, Department of Agriculture, GSA, State, county, local, airport, and foreign authorities.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Legal Proceedings			
1997 Availability	65	61	\$5,699
1998 Base	65	63	5,865
1998 Estimate	65	63	5,865
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- INS attorneys represent the Service before Immigration Judges, the Board of Immigration Appeals, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and boards of contract appeals. The program provides litigation support in agency litigation being conducted in U.S. District Courts, U.S. Courts of Appeals, and the U.S. Supreme Court. Attorneys provide advice to the Headquarters staff and field officials on legal matters arising at all levels of agency operations associated with programs supported by the Immigration User Fee account.

ACTIVITY: PROGRAM DIRECTION

	Perm. Pos.	FTE	Amount
Management and Administration			
1997 Availability	174	170	\$15,262
1998 Base	174	179	15,678
1998 Estimate	178	181	17,678
Increase/Decrease	4	2	2,000

BASE PROGRAM DESCRIPTION:

The Management and Administration program functions include:

- providing management direction and support for the implementation and operation of regional and field activities and functions to those managers and supervisors who are responsible for and exercise authority over multiple programs;
- executing the provisions of the Immigration and Nationality Act and related policies through the development and implementation of immigration programs and the management of resources; and
- providing for the development, implementation, direction, operation and evaluation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. This includes duties related to providing executive direction and control of the INS; furnishing accurate and prompt responses to congressional and public inquiries; administering and maintaining effective budgeting and financial management systems; performing audits; conducting internal investigations; providing informational responses to frequent inquiries of GAO, OIG, OMB and Departmental offices; and developing and evaluating policies and systems to improve the effectiveness of INS programs. The major administrative functions within the program include: personnel; budget; accounting; equal employment opportunity; procurement; property management; fleet management; security and health; and other miscellaneous general services that support all programs funded by the Immigration User Fee account.

Border Control & Facilitation Initiative
Immigration User Fee Account
(Dollars in thousands)

	Positions	Workyears	Amount
Inspections	293	146	\$22,121
Data & Communications	1	1	6,024
Total:	294	147	\$28,145

Proposed Actions

This enhancement will augment INS' current efforts to regulate entry to the United States at air and sea Ports-of-Entry (POE). In order to fulfill the Agency's commitment to the facilitation of entry for U.S. citizens and other legal visitors, INS requests resources that will aid in the streamlining of the inspections process, while expanding technologies that identify inadmissible entrants. The Inspections program will also utilize new inspector positions at airports to combat terrorism and detect passengers attempting to enter the United States illegally. This request anticipates the removal of the fee exemption on certain cruise line passengers. Requisite staffing, equipment, and automation to improve facilitation at sea POEs are included in the request.

	Positions	Workyears	Amount
Inspections	293	146	\$22,121

Improve facilitation at air and sea POEs (277 positions, 138 workyears, \$17,699,000) --

Based on historical trends and passenger data collected over the past five years, the air transport industry estimates that air traffic will increase at the current rate of 6.5 percent for FY 1998. This traffic increase, coupled with the additional growth occurring because of the implementation of the Open Skies agreement and the development of the bi-national initiatives associated with the United States - Canada Accord on Our Shared Borders, necessitates a significant increase in airport staffing. This increase of 265 inspectors and 12 immigration assistants will enable INS to maintain the congressionally-mandated requirement that all flights be inspected within 45-minutes of arrival. Considering that many air and sea POEs are combined operations, seaport inspections will also improve as INS receives new positions. In recent years, the cruise lines have begun to utilize larger ships and supercruisers. With additional positions, INS will be better able to facilitate the inspections process for these cruise line passengers.

These resources will also support INS' commitment to combat terrorism and alien smuggling by detecting dangerous mala fide entrants before they enter the United States. Of the 265 inspector positions requested, 30 inspectors will concentrate their efforts on interdicting alien smugglers, gathering intelligence, detecting fraudulent document users and vendors, conducting pre-primary roving and gate checks, and spot checking the immigration status of people departing the United States. With the advent of improved photocopyers and advanced computer systems, the Inspections program requires new positions to employ new techniques to identify, apprehend, and prosecute persons engaged in alien smuggling and document fraud at POEs. With these added personnel resources, INS expects detection of fraud and mala fide aliens to rise between 10 and 15 percent in the first year.

Provide staffing for new POEs in FY 1998 (12 positions, 6 workyears, \$1,715,000) --

In FY 1998, INS expects three new air POEs to become fully operational in Medford, OR; Palm Springs, CA; and Halifax, Nova Scotia. Due to the locations of these sites, INS cannot send inspectors from larger POEs that handle international flights to these new airports. Analysis of current travel industry statistics indicates that each airport requires the following number of positions: Medford - 2, Palm Springs - 2, and Halifax - 8. The request includes a total of \$153,000 for new computers, furniture, and cabling costs to support these new POEs.

Deploy new technology for enhanced detection at air and sea POEs (\$200,000) --

The escalating focus on alien smuggling and the apprehension of criminal aliens, coupled with increased sophistication in counterfeit and altered documents, has changed the procedures and equipment used to conduct inspections. As a result, most POEs are now equipped with highly technical forensic equipment such as carbon dioxide detectors used to identify and deter criminal activities. As smuggling and the techniques used to detect it become more sophisticated, initiatives have been developed to allow officers to become more adept at identifying fraud, resulting in an increase in the detection of criminal violators. The Inspections program requires 100 carbon dioxide detectors to be distributed at all sea POEs for the detection of stowaways in ship compartments. The detectors allow an inspector to measure the level of carbon dioxide within a compartment. As a result, the inspector knows immediately where alien stowaways are hiding. This equipment will enable inspectors to perform inspections quickly and more accurately identify illegal aliens aboard vessels.

Expand departure management automation initiatives (4 positions, 2 workyears, \$2,507,000) --

As a result of the need to monitor the control of aliens departing the United States, INS is proposing the continuation of a pilot program for management of departure at airport locations. INS' commitment towards departure management relies heavily upon the improvement of the timeliness and accuracy of arrival and departure data for nonimmigrant aliens through the use of automation. The number of overstay, coupled with the lack of ability for the existing arrival-departure tracking system to provide accurate statistics regarding overstay, has given rise to significant concern. This issue has also surfaced in connection with deliberations on continuation and expansion of the Visa Waiver Pilot Program, as well as in reports concerning unlawful migration to the United States. INS requests 4 inspectors and \$2,507,000 for improvements to airport automated systems begun with resources from FY 1996, namely the pilot program to automate Form I-94 for arrivals and departures and the DataShare initiative with Department of State. As INS strives to match arrival and departure data more accurately, the agency will be better able to identify annual overstay rates for nonimmigrant aliens.

The deployment of automated I-94 equipment to 300 booths will require \$1,500,000. These booths will be deployed to the 10 largest air POEs (New York, Newark, Seattle, San Francisco, Los Angeles, Honolulu, Chicago, Philadelphia, Miami and Boston). This program will provide more accurate information on overstay, allow inspectors to better identify status violators, streamline the inspections process, and will yield up-to-the-minute arrival data. Automated I-94s will also facilitate departure management through the improved collection and processing of the automated I-94 exit receipt at the actual departure point.

The expansion of the DataShare project, which streamlines the processing of immigrant and nonimmigrant visas, to the 10 largest air POEs will require \$750,000. Customer service is improved through the establishment of a central inquiry system, as well as a means of producing cards faster through the use of electronic biometric data. Enforcement is also improved due to the increased availability of data to inspectors to validate legal entry and detect fraudulent visas.

Data & Communications	Positions	Workyears	Amount
	1	1	\$6,024

The resources requested in the Data and Communications program will provide the following:

Increase the number of automated entry lanes (\$2,100,000) --

This initiative will expand the use of INSPASS to 10 POEs for FY 1998. The increase in the use of automated entry lanes not only facilitates legal entry but also aids enforcement by sorting traffic into high- and low-risk groups, thus making both facilitation and enforcement efforts more efficient, secure, and cost-effective. The use of INSPASS enables all lanes to move more quickly and steadily, while allowing for increased scrutiny of high-risk applicants for admission. Frequent low-risk commuter traffic will receive an expedited inspection, allowing existing staff to devote a greater percentage of primary lane hours to both processing of general traffic and enforcement priorities. The travel documents used in this system can also be used in the Automated Permit Ports (APP) and Dedicated Commuter Lanes (DCL). This customer service initiative has been well-received by the traveling public.

Improve efficiency at POEs through automation (1 position, 1 workyear, \$1,324,000) --

Numerous automation initiatives are requested in FY 1998 to support the facilitation of legal entry, pursue innovative technological approaches to streamline the inspections process, and deter unlawful migration. Resources are requested for the following initiatives:

The installation of IBIS imaging workstations at 5 sites (\$10,000) will allow INS to attach photographs and other images to lookout records, as well as provide the capability for rapid transmission of these records and images to other agencies and locations.

The deployment of PALS to remote air and sea locations (\$500,000). PALS is a portable notebook with software which allows the inspector to query the INS lookout database contained on CD-ROM. In FY 1996, 200 PALS systems were deployed to remote POEs. In FY 1997, another 200 systems will be deployed. In FY 1998, the deployment of 100 PALS notebooks to remote air and sea POEs will be sufficient to eliminate the printing and distribution of the Service Lookout Book, which is a Department of Justice audit requirement. PALS equipment will allow inspectors at remote locations to quickly identify persons, detect fraud, share intelligence with Department of State on possible terrorists or other potential targets, and exclude violators of immigration law.

11 ADP position and 11 contract staff are required to oversee the IBIS program and the deployment of new technology at POEs (\$724,000). In order to provide the detailed computer support required to keep new systems in operation, 11 technical support positions will be deployed to the field. In the past, inspectors have had to provide ADP support for POEs as a collateral duty. With the increased sophistication of systems being deployed and the increased dependency on systems to perform the inspections mission, a dedicated ADP professional is essential to POE operations. One INS position will be used to oversee the IBIS program. A commitment of \$724,000 will be required.

Biometric ID Systems (IDENT) (\$1,500,000) --

IDENT is a fingerprint identification initiative that will assist INS in the positive identification of repeat illegal entrants and identify aliens wanted by other law enforcement agencies. These resources will allow for the expansion of the IDENT system to 12 air ports-of-entry for use by inspectors, as well as in sites where other user fee-funded personnel are stationed. The air POEs will include Chicago, Philadelphia, JFK (New York City), Los Angeles, Honolulu, Washington-Dulles, and six others. Inspectors will be able to perform expedited secondary inspections through fingerprint-based identity verification and lookout checks. The IDENT system will also facilitate case processing and arrest record preparation.

Enforcement Case Tracking and Management System (ENFORCE) (\$1,100,000) --

ENFORCE is the INS' case and report tracking system. This system streamlines the processes associated with the identification, apprehension, and deportation of illegal aliens. ENFORCE automates enforcement report writing to allow officers and agents more time to pursue operational requirements rather than perform administrative functions. In addition, ENFORCE provides intelligence analysis and statistical management capabilities. The Inspections program can utilize ENFORCE in secondary, in order to more quickly process exclusion cases. The following air POEs will receive ENFORCE in FY 1998: Chicago; Philadelphia; Denver; John F. Kennedy in New York City; Los Angeles; Honolulu; Washington-Dulles; and six others to be determined.

FY 1998 USER FEE ENHANCEMENTS

Staffing:	Total Request
Air & Sea POEs Inspectors/Immigration Assistants Inspectors for 3 New Air POEs Departure management	265 positions / 12 positions 12 positions 4 positions
Inspections Program -- Total Staff Increase	293 positions - \$19,671,000
Equipment:	
Sea POE Equipment Departure Management Increase automated entry lanes	\$210,000 \$2,250,000 \$2,100,000
Improve efficiency at POEs -- IBIS Workstations at 5 sites -- PALS notebooks, 100 units -- 11 contract staff; 1 oversight FTE	1 position - \$1,324,000 [5]100,000 [500]0,000 11 position, \$724,000
Biometric ID Systems ENFORCE	\$1,500,000 \$1,100,000
Inspections Program -- Total Equipment Increase	1 position - \$4,474,000
Inspections Program -- Total FY 1998 User Fee Enhancement	\$28,145,000

Professionalism Initiative
Immigration User Fee Account
(Dollars in thousands)

Management and Administration	Positions	Workyears	Amount
	4	2	\$2,000

Proposed Actions

These resources will be used to build and maintain its infrastructure base and provide sufficient support to maximize the efficiency and effectiveness of the workforce. The Statistical Analysis Program includes data on immigrants, refugees, temporary visitors (nonimmigrant), naturalization, and productivity and management statistics relating to INS mission programs. Additional resources are required in order for INS to submit mandated reports on schedule and to develop new regular and special reports for internal and external customers to meet the need for data and analysis on immigration. With present staffing levels, INS has not been able to meet current requirements.

Statistical Analysis Program (4 positions, 2 workyears and \$2,000,000) --

An increase of 4 positions, 2 workyears and \$2,000,000 is being requested for the Statistical Analysis Program. The resources will allow INS to keep pace with an increasing workload and expand the quantity and quality of professional analytical services provided to other program areas within INS and to external audiences. The Statistical Analysis Program works closely with data on immigrants and non-immigrants, as well as other travelers who travel through U.S. ports-of-entry. In addition, this program also compiles information concerning productivity and resource management statistics relating to INS mission programs. The increased demand for information on all these topics for management purposes and especially from Congress, the General Accounting Office (GAO), and the general public has placed greater emphasis on INS statistical activities, including improvements in the timeliness, accuracy, usefulness, and frequency of reporting of the captured data. Without this increase, INS will be unable to meet its reporting mandates as stipulated in the Immigration Reform and Control Act of 1986 and the Immigration Act of 1990, and will be unable to successfully meet the demand for performance measurement data required by the Government Performance and Results Act (GPRA) and the reinventing government initiative. A May 1996 Inspector General audit of the fee accounts recommended that the Statistical Analysis Program provide essential information and statistical models to aid in projecting future revenue in the User Fee account. In addition, the request will enable the Office of Policy and Planning to properly carry out planning activities, data analyses responsibilities, and evaluations of the operational requirements for User Fee funded programs.

Immigration and Naturalization Service
Immigration User Fee

Financial Analysis - Program Changes
(Dollars in thousands)

Item	Inspections		Data and Communications		Subtotal Border Facil. & Enforce	
	Pos	Amount	Pos	Amount	Pos	Amount
Grades						
GS-15						
GS-14						
GS-13						
GS-12				\$48	1	\$48
GS-11			1			
GS-9	281	\$9,322			281	9,322
GS-7	12	322			12	322
GS-6						
GS-5						
GS-4						
Total Positions & Annual Rate	293	9,644	1	48	294	9,692
Lapse (-)	(147)	(4,822)		(25)	(147)	(4,847)
Other than permanent						
Other personnel compensation	43	2,058			43	2,058
Total workyears and personnel	146	6,880	1	23	147	6,903
Compensation		3,022		7		3,029
Personnel Benefits		1,055				1,055
Travel and transportation of persons		310		10		320
GSA Rent		239				239
Comm/Utilities/Miscellaneous		7,268		671		7,939
Other Services		598				598
Supplies and Materials		2,749		5,312		8,061
Equipment						
Land & structures						
Total program WY & obligations changes requested, 1997	146	22,121	1	6,024	147	28,145

Immigration and Naturalization Service
Immigration User Fee
Financial Analysis - Program Changes
(Dollars in thousands)

Item	PROFESSIONALISM		Management and Administration		Subtotal Border Facility & Enforce.	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades						
GS-15.....	1	67			1	67
GS-14.....						
GS-13.....	3	171			3	171
GS-12.....						
GS-11.....						
GS-9.....						
GS-7.....						
GS-6.....						
GS-5.....						
GS-4.....						
Total Positions & Annual Rate.....	4	238			4	238
Lease (-).....	(2)	(119)			(2)	(119)
Other than permanent.....						
Other personnel compensation.....						
Total workyears and personnel						
Compensation.....	2	119			2	119
Personal Benefits.....		36				36
Travel and transportation of persons		2				2
GSA Rent.....		36				36
Comm. Utilities/Miscellaneous		3				3
Other Services.....		1,751				1,751
Supplies and Materials.....		3				3
Equipment.....		48				48
Land & structure.....						
Total program WY & obligations	2	2,000			2	2,000
changes requested, 1997.....						

Immigration and Naturalization Service Immigration User Fee Priority Ranking Fiscal Year 1998			
Program	Base Program Ranking	Program Increases	Ranking
Inspections	1	Border Facilitation & Control	1
Investigations	2	Professionalism	2
Detention & Deportation	3		
Intelligence	4		
International Affairs	5		
Training	6		
Data & Communications	7		
Information & Records Mgmt	8		
Construction & Engineering	9		
Legal Proceedings	10		
Management & Administration	11		

Immigration and Naturalization Service
Immigration User Fee
Detail of Permanent Positions by Category
Fiscal Years 1996-1998

Category	1996		1997		1998	
	Auth.	Reprogrammings	Auth.	Base	Program Change	Request
Attorneys (905).....	58	58	58	58	...	58
Asylum Officer (930).....	...	...	...	...	...	...
General Enforcement & Support (1800-1899).....	8	8	8	8	12	20
Detention and Deportation Officer (1801).....	132	132	132	130	...	130
Detention Enforcement Officer (1802).....	39	39	39	39	...	39
Criminal Investigators (1811).....	69	69	69	69	...	69
Immigration Inspectors (1816).....	2,564	2,732	2,732	2,727	281	3,008
Social Sciences, Economics and Kindred (100-199).....	2	2	2	2	...	2
Engineering and Architecture (800-899).....	2	2	2	2	...	2
General Administrative and Clerical (300-399).....	233	233	233	240	1	241
Mathematics and Statistics Group (1500-1599).....	...	...	...	...	4	4
Personnel Management (200-299).....	49	49	49	49	...	49
Education Group (1700-1799).....	5	5	5	5	...	5
Accounting and Budget (500-599).....	21	21	21	21	...	21
Physical Sciences Group (1300-1399).....	1	1	1	1	...	1
Total.....	3,183	3,351	3,351	3,351	298	3,649
Washington.....	60	60	60	60	1	61
U.S. Field.....	2,959	3,112	3,112	3,112	297	3,409
Foreign Field.....	164	179	179	179	...	179
Total.....	3,183	3,351	3,351	3,351	298	3,649

Immigration and Naturalization Service
Immigration User Fee
Summary of Agents and/or Attorneys and Support Positions
FY 1997-1998

	1997 Appropriation Anticipated					1998 Program Changes					1998 Request Level				
	Agents Pos	FTE	Pos	FTE	Total	Agents Pos	FTE	Pos	FTE	Support Pos	Agents Pos	FTE	Pos	FTE	Total
Decision Unit															
Inspections	2,732	2,368			2,732	2,368	278	539	12	6	288	545	3,008	2,907	6,000 2,913
Border Patrol															
Investigations	69	49			69	49	17				17	69	66		69 66
Detention & Deportation					182	185			2	5	2			190	190 190
Intelligence					27	25			2		2			27	27 27
Adjudications & Naturalization															
International Affairs															
Training					30	28								30	32 30 32
Data & Comm. Systems					31	28								32	30 32 30
Information & Records Mgmt					36	31								36	35 36 35
Consul & Engineering					2	2								2	2 2 2
Legal Proceedings					56	55			2					58	57 7 6 65 63
Management & Administration					167	165					11	16		178	181 178 181
Total	2,801	2,417	58	55	492	468	3,351	2,840	278	556	2	22	41	298	599 3,077 2,973 58 57 514 505 3,649 3,539

Immigration and Naturalization Service
Immigration User Fee Account
Summary of Changes
(Dollars in thousands)

	Positions	Work- years	Amount
1997 Appropriation Anticipated.....	3,351	2,940	\$377,399
Adjustments to base:			
Increases:			
1998 Pay Raise.....	...	...	3,775
Annualization of 1997 pay raise.....	...	...	1,270
Within-grade increases (WIG).....	...	...	1,914
Annualization and nonrecurring costs of 1997 position increase.....	...	100	1,017
Foreign Allowance.....	...	...	7
Accident Compensation.....	...	...	65
Medical Hospital Service costs.....	...	...	87
ICASS adjustment.....	...	...	26
General pricing level adjustments.....	...	...	3,591
Restoration of FY 1998 FTE Reduction.....	...	350	...
Total, increases.....	...	450	11,752
1998 Base.....	3,351	3,390	389,151
Program Changes.....	298	149	30,145
1997 Request.....	3,649	3,539	419,296

**Immigration and Naturalization Service
Immigration User Fee
Justification of Adjustments to Base
(Dollars in thousands)**

	Pos.	Work- Years	Amount
Adjustments to Base:			
Increases:			
1998 pay raise			\$3,775
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$3,775,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$2,791,000 for pay and \$978,000 for benefits = \$3,775,000).			
Annualization of 1997 pay raise			1,270
This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent, plus appropriate personnel benefits (\$941,000 for pay and \$329,000 for benefits)			
Within-grade increases			1,914
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$1,418,000 for pay and \$496,000 for benefits.			

100 1,017

Annualization of 198 additional positions approved in 1997
 This provides for the annualization of 198 additional positions provided in 1997 Congressional Action for the
 Inspections program. This request includes nonrecurring costs for one-time items associated with the increased
 positions as well as nonrecurring costs related to the expansion of INSPASS to six major airports.

Approved Annualization
 1997 Increases Required

\$6,852 \$3,426

Annual salary rate of
 198 approved positions

1,414

Other personnel compensation

-3,426

Less lapse (50%)

3,426 4,840

Net Compensation

3,342 1,027

Associated employee benefits

779 203

Other (non-personnel)

1,964 -266

Travel

93 93

Transportation of Things

4,635 -2,173

GSA Rent

871 274

Communications/Utilities

5,111 -2,981

Printing/Reproduction

20,221 1,017

Other Services

Supplies/Materials

Equipment

Total costs subject to annualization

Foreign allowances

Allowances for Government employees in foreign areas are determined by the Department of State (DOS).

The requested increase of \$7,000 provides a 1.7 percent increase over the obligations of \$411,765, which are
 committed for 1996.

Accident compensation	65	
This increase reflects the billing provided by the Department of Labor for the actual costs in 1996 of employees' accident compensation, which will be billed in 1998. The 1998 increased cost will be \$65,000.		
Medical Hospital Service costs	87	
The Department of Health and Human Services is projecting an increase in health care costs. The Department is applying a factor of 5.3 percent against medical services. An increase of \$87,000 will be required for 1998.		
General pricing level adjustments	3,591	
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation: costs and utilities.		
ICASS Increase for Staffing	26	
Under the ICASS an annual charge will be made by the DOS for administrative support based on the number of overseas staff for each Federal agency. Because the law enforcement operations of the Department of Justice have increasing international demands, additional overseas staffing since 1995 will result in increased ICASS costs in 1998. Based on the additional overseas staffing, DOS has provided an increased cost estimate of \$26,000 for this account in 1998.		
Restoration of FY 1996 FTE Reduction	350	
In FY 1996, this account absorbed a reduction of 238 FTE over the FY 1996-1997 time frame. An analysis of the work years required by this account indicates a total of 350 FTE are required to be added in FY 1998.		
Total adjustments to base	450	11,752

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Immigration and Naturalization Service
Immigration User Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1996 Actual			1997 Appropriation			1998 Request			Increase/Decrease		
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS-14, \$59,815-78,591.....	18		16		19		1		1			
GS-13, \$49,895-64,814.....	52		52		60		8		8			
GS-12, \$41,828-54,509.....	171		171		170		-1		-1			
GS-11, \$34,881-43,478.....	34		34		34							
GS-10, \$28,115-35,568.....	2,654		2,732		3,096		270		270			
GS-9, \$23,834-30,726.....	172		172		172							
GS-8, \$21,269-27,600.....	158		158		158							
GS-5, \$19,081-24,800.....	108		108		108							
GS-4, \$17,055-22,178.....	6		6		6							
Locality Pay.....		\$2,608		\$2,608								
1998 Pay Rate.....		3,285		3,285								
1997 Pay Rate.....				4,093				\$4,093				\$4,093
Total Pay Rates.....	3,163	\$114,692	3,361	\$136,537	3,649		286	\$118,444	286			\$118,444
Pay above stated annual rates.....		440		531				531				531
Leaves.....	-292	-10,822	-415	-23,832	-314		-314	-13,369	-301			10,443
Savings due to lower pay scales for part of year.....		-821		-1,023				-932				81
Net full-time permanent.....	2,861	\$103,699	2,736	\$112,263	3,335		599	\$126,456	569			\$12,183
Other than permanent:												
Other part-time and intermittent employees.....	110	5,897	204	5,910	204			6,136				225
Other personnel compensation:												
Overtime.....	236	4,785	186	5,857	196			6,306	10			649
Administratively uncontrollable overtime.....	36	1,336	23	824	25			708	2			84
1831 Act Overtime.....	382	32,835	360	30,638	410			34,480	20			3,842
Other compensation.....	7	2,294	7	182	7			207				25
Special personal service payments.....		55		50				50				
Total, workyears and personnel compensation.....	3,662	\$150,951	3,546	\$157,324	4,177			\$174,342	631			\$17,018
Average GS Salary.....		\$34,893		\$36,865				\$38,551				
Average GS Grade.....		10.2		10.4				9.2				

**Information and Information Service
Appropriation Unit Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)**

Object Class	1996 Actual		1997 Appropriation		1998 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent	2,881	\$108,689	2,724	\$114,053	3,206	\$128,458	589	\$12,193
11.2 Full-time temporary	1,110	18,887	1,110	5,910	204	4,135	225	225
11.5 Other personnel compensation	661	41,220	608	37,101	838	41,701	32	4,600
11.8 Special personnel service payments	55	55	50	50	50	50		
Total	3,662	150,861	3,548	157,324	4,177	174,342	631	17,018
12.1 Personnel benefits	41,867		48,140		52,107			5,967
13.0 Benefits to former personnel	963		1,065		1,065			1,065
21.0 Travel and transportation of persons	10,053		13,851		15,387			1,408
22.0 Transportation of things	2,130		2,860		3,008			48
23.0 Other travel	5,374		6,332		6,332			958
23.3 Comm. expenses in other charge	236		332		389			37
23.5 Comm. utilities and misc. charge	3,750		5,205		5,540			335
24.0 Printing and reproduction	921		1,297		1,323			26
25.0 Other service	80,792		114,083		122,822			8,729
26.0 Supplies and materials	18,425		15,360		15,360			1,650
31.0 Construction	9,298		13,404		18,883			5,379
32.0 Land and structures	136		183		183			
42.0 Insurance claims and indemnities	755		188		188			
44.0 Rentals	24		50		50			
45.0 Unincurred								
Obligations from fees	3,662	\$17,470	3,548	\$377,399	4,177	\$418,298	631	\$41,897
Obligations from fines		2,281						
Total Obligations	3,662	\$19,751	3,548	\$377,399	4,177	\$418,298	631	\$41,897
Rebates of obligations to outlays								
Obligated balance, start-of-year								
Adjustments in unexpended accounts								
Outlays		\$19,751		\$377,399		\$418,298		

**Department of Justice
Immigration and Naturalization Service
Immigration Enforcement Account
Estimates for Fiscal Year 1998
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**Immigration and Naturalization Service
Immigration Enforcement Account
Summary Statement
Fiscal Year 1998**

The Immigration and Naturalization Service (INS) requests a total of \$3,800,000 for the Immigration Enforcement Account for FY 1998. This request represents a decrease of \$7,900,000 below the FY 1997 level of \$11,700,000. The decreased level of fine receipts available in the Immigration Enforcement Account resulted from regulations on airline fines mitigation. The INS negotiated regulations based on the Immigration and Nationality Technical Corrections Act of 1994 (P.L. 103-416), which amended the Immigration and Nationality Act (INA) Section 273(e) to allow the Attorney General in prescribed cases to reduce, refund, or waive fines. The INS established an Acceptable Performance Level (APL) based on statistical analysis of the performance of all carriers, as a means to determine eligibility for a reduction of fines. For FY 1998, it is projected that approximately 50% of the 273 fines cases will be canceled or appealed to the Board of Immigration Appeal. Of the remaining fines cases, approximately 40% of the 273 cases will be eligible for either 25% or 50% mitigation. In addition, INS anticipates that the FY 1997 levels of fines will not meet the approved level of \$11,700,000. Because the fines regulation is not anticipated to take into effect until mid-year FY 1997, neither the airline fine backing cases nor the new fines cases were billed or collected. In FY 1997, INS anticipates collecting approximately \$6,200,000 in fines. There are no enhancement requests for the Immigration Enforcement Account for FY 1998.

The Immigration Enforcement Account was authorized in Section 382 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The Act amends Section 280 of the Immigration and Nationality Act of 1952, as amended, by establishing in the General Fund of Treasury a separate account known as the Immigration Enforcement Account. Prior to FY 1997, two-thirds of the fine receipts for INA Sections 271 and 273 were collected and deposited in the User Fee Account, but were unavailable to be spent on User Fee activities as outlined in INA Section 286 (b)(2)(A). These fines receipts plus additional monies relating to fines and penalties as outlined in Section 382 (a) of the 1996 shall be deposited into the account to remain available to INS until expended. Expenses may be incurred by the Attorney General for the identification, investigation, apprehension, detention, and removal of criminal aliens; the maintenance and updating of a system to identify and track criminal aliens, deportable aliens, inadmissible aliens, and aliens illegally entering the United States; and for the repair, maintenance, or construction on the United States border, in areas experiencing high levels of apprehensions of illegal aliens, of structures to deter illegal entry into the United States.

In FY 1998, INS plans to spend these fines receipts for the Data and Communications program. This account will allow INS to expand its remote video surveillance (RVS) systems for the Border Patrol. The current low light level television (LLLTV) systems are reaching the end of their life cycle, and are in desperate need of replacement and augmentation. These new thermal infrared imagers mounted with daylight cameras improve the Border Patrol's 24-hour surveillance capability along the Southwest border. The integration of RVS

with the new generation of "smart" sensors through the ICAD command and control system, will allow for the development of a true "electronic fence" between the United States and Mexico. In addition, INS may use these resources to support the general operations of the Investigations program in FY 1998.

Immigration and Naturalization Service
Immigration Enforcement Account
Crosswalk of 1997 Changes
(Dollars in thousands)

Activity/Program	1997 President's Budget Request			Congressional Appropriation Action On 1997 Budget Request			1997 Appropriation Anticipated		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Investigations.....	\$11,700 *	...	...	\$11,700
Total.....	11,700	...	...	11,700

* The Immigration Enforcement Account was authorized in Section 382 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208). Prior to FY 1997, two-thirds of the fine receipts for INA Sections 271 and 273 were collected and deposited into the User Fee Account.

Immigration and Naturalization Service Immigration Enforcement Account Summary of Requirements (Dollars in thousands)											
				1996 Enacted		1996 Actual		1997 Appropriation		1998 Base	
				Perm Pos	WY Amount	Perm Pos	WY Amount	Perm Pos	WY Amount	Perm Pos	WY Amount
Adjustments to base											
1997 Appropriation anticipated											
Decrease											
1998 Base											
Program Changes											
1998 Estimate											

Immigration and Naturalization Service
Immigration Enforcement Account
Summary of Requirements
(Dollars in thousands)

	1996 Actual	1997 Appropriation Anticipated	1998 Request
Financing			
Unappropriated balance, start-of-year	..	\$11,700	\$3,800
Receipts	..	11,700	3,800
Total available for appropriation	..	-11,700	-3,800
Appropriation
Unappropriated balance available, end-of-year	..	11,700	3,800
Obligations
Recovery of prior year obligations	..	11,700	3,800
Total requirements
Obligations by program			
Enforcement			
Investigations	..	11,700	..
Immigration Support			
Data and Communications	3,800
Total obligations	..	11,700	3,800

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**Immigration and Naturalization Service
Immigration Enforcement Account
Program Performance Information
(Dollars in thousands)**

ACTIVITY: Immigration Support

	Perm. Pos.	FTE	Amount
Data and Communications			
1997 Availability	..	..	..
1998 Base	..	..	\$3,800
1998 Estimate	u	u	3,800
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- The Immigration and Naturalization Service (INS) requests a total of \$3,800,000 for the Immigration Enforcement Account for FY 1998. This request represents a decrease of \$7,900,000 below the FY 1997 level of \$11,700,000.
- The Immigration Enforcement Account was authorized in Section 382 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The Act amends Section 280 of the Immigration and Nationality Act (INA) of 1952, as amended, by establishing in the General Fund of Treasury a separate account known as the Immigration Enforcement Account.
- Prior to enactment of the 1996 Act, two-thirds of the fine receipts for INA Sections 271 and 273 were collected and deposited into the User Fee Account as reflected as recently as the President's FY 1997 budget request. However, these funds were unavailable to be spent on User Fee activities as outlined in INA Section 286 (b)(2)(A). According to the 1996 Act, these fine receipts, plus additional monies relating to fines and penalties as outlined in Section 382 (a) of the 1996 Act, shall be deposited into the account to remain available to INS until expended.

- This account may be used for the identification, investigation, apprehension, detention, and removal of criminal aliens; the maintenance and updating of a system to identify and track criminal aliens, deportable aliens, inadmissible aliens, and aliens illegally entering the United States; and for the repair, maintenance, or construction on the United States border, of structures to deter illegal entry into the United States, in areas experiencing high levels of apprehensions of illegal aliens.
- The \$7,900,000 decrease in available fine receipts for FY 1998 resulted from regulations on airline fines mitigation. The INS negotiated regulations based on the Immigration and Nationality Technical Corrections Act of 1994 (P.L. 103-416), which amended the INA Section 273 (e) to allow the Attorney General in prescribed cases to reduce, refund, or waive fines. The INS established an Acceptable Performance Level (APL) based on statistical analysis of the performance of all carriers, as a means to determine eligibility for a reduction of fines. For FY 1998, it is projected that approximately 40 percent of the 273 fines cases, which are reviewed, excluding all cases anticipated to be canceled or appealed to the Board of Immigration Appeal, will be eligible for either 25 percent or 50 percent mitigation.
- In FY 1998, INS plans to spend these fine receipts for the Data and Communications program. This funding will allow INS to expand its remote video surveillance (RVS) systems for the Border Patrol. The current low light level television (LLLTV) systems are reaching the end of their life cycle, and are in desperate need of replacement and augmentation. These new thermal infrared imagers mounted with daylight cameras improve the Border Patrol's 24-hour surveillance capability along the Southwest border. The integration of RVS with the new generation of "smart" sensors through the ICAD command and control system, will allow for the development of a true "electronic fence" between the United States and Mexico.
- In addition in FY 1998, INS may use these fine receipts for the Investigations program. This would support a pilot for a computer data base subscription of public records to serve as a profiler service. The data base would contain a compilation of subscriber lists from various entities, which would allow INS to track and locate individuals nationwide. As a result, this service will aid in the investigation and identification of aliens engaged in criminal or terrorist activities. The additional resources would support the general operations of the Investigations program.

Immigration and Naturalization Service
 Immigration Enforcement Account
 Summary of Change
 (Dollars in thousands)

	Positions	Work- years	Amount
1997 Appropriation anticipated			\$11,700
Decreases (reduction due to mitigation regulations)			-7,900
1998 Base			3,800
Program Changes			
1998 Estimate			3,800

Immigration Enforcement Account
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1998 Actual Work- years Amount	1997 Appropriation Anticipated Work- years Amount	1998 Request Work- years Amount	Increase/Decrease Work- years Amount
111 Full-time permanent				
113 Other than permanent				
115 Other personnel compensation				
118 Special personnel services payments				
Total workyears and personnel compensation				
121 Personnel benefits				
130 Benefits to former personnel				
210 Travel and transportation of persons				
220 Transportation of things				
231 GSA rent				
232 Rental payments to others				
233 Comm. utilities and misc. charges				
240 Printing and reproduction				
250 Other services				
260 Supplies and materials				
310 Equipment				
320 Land and structures				
420 Insurance claims and indemnities				
440 Refunds				
910 Unrecovered				
Total Obligations		\$11,700	\$3,800	-\$11,700
Relation of obligations to outlays				
Total obligations		11,700	3,800	3,800
Recovery of prior year obligations		11,700	3,800	3,800
Outlays				

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Department of Justice
Immigration and Naturalization Service
Land Border Inspection Fee
Estimates for Fiscal Year 1998
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Immigration and Naturalization Service
 Land Border Inspection Fee Account
 Summary Statement
 Fiscal Year 1998

The Immigration and Naturalization Service (INS) is requesting 79 positions, 91 workyears, and \$8,888,000 in the Land Border Inspection Fee account. This request represents a decrease of 7 workyears and \$2,166,000 from the FY 1997 enacted level of 79 positions, 98 workyears, and \$11,054,000. The overall decrease is the result of the annualization and non-recurring costs associated with 12 new positions approved in FY 1997. No program increases are requested for FY 1998.

The Land Border Inspection Fee account was authorized in Section 210 of the Department of Justice Appropriations Act of 1991 (P.L. 101-515). The Act authorized the Attorney General to establish, by regulation, pilot projects under which fees may be charged at one or more land border ports-of-entry to study the feasibility of charging fees to provide inspection services at land border ports-of-entry. The regulations stated that the projects may include the establishment of commuter lanes to be made available to pre-qualified United States citizens and aliens. This provision, as amended, authorizes projects on the Northern border and the entire Southwest border, but prohibits the implementation of a universal border crossing fee. Based on the Appropriations Act of 1997, the authorization of this account expires on September 30, 1999; however, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 extended authorization of this account to September 30, 2000.

INS is currently operating sites in Blaine and Point Roberts, Washington, and in Detroit, Michigan (Detroit Tunnel and Ambassador Bridge); and Otay Mesa, California. The Otay Mesa site was implemented as a National Performance Review pilot project with the U.S. Customs Service, Drug Enforcement Administration, Federal Bureau of Investigation, and the U.S. Attorney's Office.

In FY 1997, Congress approved five new sites in Nogales, AZ; San Luis, AZ; El Paso, TX; Laredo, TX; and Hidalgo, TX.

Immigration and Naturalization Service
Land Border Inspection Fee
Crosswalk of 1997 Changes
(Dollars in thousands)

Activity/Program	1997 President's Budget Request			Reprogrammings			1997 Appropriation		
	Pos.	WT	AmtL	Pos.	WT	AmtL	Pos.	WT	AmtL
Enforcement									
Inspections	79	98	\$7,454				79	98	\$7,454
Immigration Support									
Data & Communications Systems			2,400						2,400
Const. & Engineering			1,200						1,200
Subtotal			3,600						3,600
Total	79	98	11,054				79	98	11,054

Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Requirements
(Dollars in thousands)

	1997 Appropriation		1998 Base		1998 Request		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Adjustments to base:								
1997 Appropriation Anticipated	79	\$11,054						
Increases (automatic, nonpolicy)		6		-2,168				
Restoration of 1998 FTE Reduction		-13						
1998 Base	79	91	8,888					
Program Changes								
1998 Request	79	91	8,888					
Estimates by budget activity								
1. Enforcement	79	\$7,454	79	\$5,288	79	\$5,288		
2. Immigration Support		3,600		3,600		3,600		
Total	79	11,054	79	8,888	79	8,888		

Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Requirements
(Dollars in thousands)

	1996 Actual	1997 Appropriation Anticipated	1998 Estimate
Financing			
Unappropriated balance, start of year.....	\$991	\$839	\$905
Receipts.....	785	11,120	11,120
Total available for appropriation.....	1,776	11,959	12,025
Appropriation.....	-937	-11,054	-8,888
Unappropriated balance available, end of year.....	839	905	3,137
Obligations by program			
Enforcement:			
Inspections.....	937	7,454	5,288
Immigration Support:			
Data & Communications Systems.....	...	2,400	2,400
Construction and Engineering.....	...	1,200	1,200
Subtotal.....	...	3,600	3,600
Total obligations.....	937	11,054	8,888

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Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Resources by Program
(Dollars in thousands)

	1998 as Enacted			1998 Actual			1997 Appropriation			1998 Base			1998 Request			Increase/Decrease		
	Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount
Estimates by program																		
1. Enforcement																		
Inspections	67	58	\$5,900	67	18	\$937	79	98	\$7,454	79	91	\$5,288	79	91	\$5,288	..	..	..
2. Immigration Support																		
Data & Comm. Systems	..	..	..	..	..	..	..	..	2,400	..	..	2,400	..	..	2,400	..	..	..
3. Coast & Engineering	..	..	..	..	..	..	..	..	1,200	..	..	1,200	..	..	1,200	..	..	..
Subtotal	..	..	..	..	..	..	..	..	3,600	..	..	3,600	..	..	3,600	..	..	..
Total	67	58	5,900	67	18	937	79	98	11,054	79	91	8,888	79	91	8,888	..	..	..
Other Workyears:																		
Overtime	..	10	..	..	1	..	..	..	21	..	..	21	..	..	21	..	..	..
Total compensable workyears	..	68	..	..	19	..	..	..	119	..	..	112	..	..	112	..	..	..

**Immigration and Naturalization Service
Program Performance Information
Land Border Inspection Fee
(Dollars in thousands)**

The Land Border Inspection Fee account was authorized in Section 210 of the Department of Justice Appropriation Act of 1991 (P.L. 101-515). The Act authorizes the Attorney General to establish, by regulation, pilot projects under which fees may be charged at one or more land border ports-of-entry to study the feasibility of charging fees to provide inspection services at land border ports-of-entry. The regulations stated that the projects may include the establishment of commuter lanes to be made available to pre-qualified United States citizens and aliens.

The INS is currently operating sites in Blaine and Point Roberts, Washington, and in Detroit, Michigan (Detroit Tunnel and the Ambassador Bridge). In cooperation with U.S. Customs Service and the Department of Agriculture, INS implemented a pilot National Performance Review (NPR) site at Otay Mesa, California on November 1, 1995. Land Border Inspection Fee funding has been used for such items as personnel, overtime, equipment, and minor facility modifications.

The original authorization for the Land Border Inspection Fee project terminated on September 30, 1993. The Department of Justice Appropriations Act of 1994 (P.L. 103-121) extended the Land Border Inspection Fee project to September 30, 1996, but only for projects on the northern border of the United States. In conjunction with action taken in the FY 1995 budget request, Congress changed this prohibition to allow the Service to implement projects on the California/Mexico border as well. The FY 1997 Appropriations Act extends the sunset date for the Land Border Inspection fee until September 30, 1999, allowing implementation of the projects across the Southern border, but prohibited a universal border crossing fee. At the same time, the 1996 Immigration Act set a sunset date of September 30, 2000, and limited the account to only six fee-generating dedicated commuter lane projects nationwide.

Considerable benefit to the traveling public in the states of Arizona, New Mexico, and Texas can be derived through the use of dedicated commuter lanes, as well as other means of expediting inspection traffic. The Congress removed the remaining prohibition regarding projects on the Southwest border in the FY 1997 Appropriations Act, but specifically prohibited the implementation of a universal border crossing fee.

ACTIVITY: ENFORCEMENT

Inspections	Perm. Pos.	FTE	Amount
1997 Availability	79	98	\$11,054
1998 Base	79	91	5,288
1998 Estimate	79	91	5,288
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- The Land Border Inspection Fee program is a pilot project under which the Attorney General is authorized to charge a fee at one or more land border POEs. The program is designed to study the feasibility of charging fees for inspection services at land border POEs. The projects may include the establishment of commuter lanes to be made available to pre-qualified United States citizens and aliens.
- This program enables low-risk, frequent border crossers who apply and are approved for participation in the program to transit the border through a specific vehicle traffic lane with an abbreviated inspection process. The INS currently operates commuter lanes in Blaine and Port Roberts, WA; Detroit MI; and Otay Mesa, CA. In FY 1997, five new sites were approved; they are: Nogales, AZ; San Luis, AZ; El Paso, TX; Laredo, TX; and Hidalgo, TX. The INS anticipates that the lane in El Paso will be operational by the end of FY 1997.
- Another similar program, the Automated Permit Port (APP) program, will allow the entry of pre-screened local border residents through selected Northern border POEs by means of an automated access system during periods when the port is closed to general traffic. The program would be utilized at low-volume, limited-hour, low-risk locations on the Northern border, using different forms of automated technology (such as voice verification systems, video inspections systems, card access systems, hand geometry, or other forms of biometrics) depending on specific location requirements. The use of automation will extend POE hours of operation for selected border crossers. The INS is progressing in instituting the first APP at Scobey, MT.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Data and Communications			
1997 Availability
1998 Base	\$2,400
1998 Estimate	2,400
Increase/Decrease

BASE PROGRAM DESCRIPTION:

- The Data and Communications Program provides direct support for operational programs, as well as administrative support under the Inspections Systems program. The Data and Communications Program primarily funds the Secure Electronic Network for Traveler's Rapid Inspection (SENTRI) system. The Data and Communications Program funds allow for the expansion and maintenance of the transponder and biometric technology, as well as other means for automated inspection.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Construction and Engineering			
1997 Availability
1998 Base	\$1,200
1998 Estimate	1,200
Increase/Decrease

BASE PROGRAM DESCRIPTION:

- In order to establish a Dedicated Commuter Lane (DCL) at land border ports, INS must make modifications to the roads, primary booths, and secondary areas already in existence. For each DCL site, construction costs include enlargement of the secondary area for an enrollment center; expansion of the queuing area and lane to accommodate automation; security enhancements such as bollards, fire deflators, and jersey barriers; and the necessary signs to direct vehicles to the appropriate lanes.

Immigration and Naturalization Service Land Border Inspections Fee Priority Ranking Fiscal Year 1998			
Program	Baso Program Ranking	Initiative	Program Increases Ranking
Inspections	1	None	
Data and Communications	2		
Construction & Engineering	3		

Immigration and Naturalization Service
Land Border Inspection Fee
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996	1997	1998
	Auth.	Auth.	Request
Immigration Inspectors (1816).....	67	67	67
General Administrative and Clerical (370-389).....	12	12	12
Total.....	67	79	79
U.S. Field.....	67	79	79
Total.....	67	79	79

1797

Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Change
(Dollars in thousands)

	Positions	Work- years	Amount
1997 Appropriation Anticipated.....	79	98	\$11,054
Adjustments to base:			
Increases:			
1998 Pay Raise.....	...	...	106
Annualization of 1997 Pay raise.....	...	...	21
Within-grade increases.....	...	...	54
Annualization and nonrecurring costs of 1997 position increase.....	...	6	-2,413
General pricing level adjustments.....	...	...	66
Restoration of FY 1996 Workyear Reduction.....	...	-13	...
Total increases.....	...	-7	-2,166
1998 Base.....	79	91	8,888
Program Changes.....	...	...	...
1998 Request.....	79	91	8,888

1799

Immigration and Naturalization Service
Land Border Inspection Fee
Justification of Adjustments to Base
(Dollars in thousands)

Adjustments to Base.	Pos.	Work- years	Amount
<u>Increases.</u>			
1998 pay raise. This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$106,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$79,000 for pay and \$27,000 for benefits = \$106,000).			\$106
<u>Annualization of 1997 pay raise</u> This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent, plus appropriate personnel benefits (\$16,000 for pay and \$5,000 for benefits)		21	
<u>Within-grade increases</u> This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$44,000 for pay and \$10,000 for benefits			54
<u>Annualization of 12 additional positions approved in 1997</u> This provides for the annualization of 12 additional positions requested in 1997 Congressional action for the Inspections program as well as nonrecurring costs for one-time items associated with the increased positions as well as nonrecurring costs related to expansion of the DCLs		6	-2,413
			1800

	Approved 1997 Increases	Annualization Required
Annual salary rate of 12 approved positions	\$270	\$135
Other personnel compensation		
Less lapse (50%)	-135	
Net Compensation	135	
Associated employee benefits	40	41
Other (non-personnel)		
Travel		
Transportation of Things		
GSA Rent	1,304	-32
Communications/Utilities	6	5
Printing/Reproduction		
Other Services	102	-71
Supplies/Materials	10	10
Equipment	2,552	-2,501
Total costs subject to annualization	4,149	-2,413

66

General pricing level adjustments
 This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.

Reduction of FTE	-13	
In FY 1996, this account absorbed a reduction of 5 FTE over the FY 1996-1997 time frame. An analysis of the workyears required by this account indicates an additional 13 FTE are justified to be reduced in FY 1998		
Total, adjustments to base	-7	-2,166

Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease Positions & Workyears
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	
GS-9, \$31,600-41,185.....	67		67		67		
GS-5, \$20,900-27,183.....			12		12		
Locality Pay.....		\$4		\$4			
1996 Pay Raise.....		10		10			
1997 Pay Raise.....				37		\$37	
1998 Pay Raise.....						109	
Total, appropriated positions.....	67	2,328	79	2,690	79	2,765	75
Pay above stated annual rates.....		9		10		11	1
Lapses.....	-66	-2,306	-11	-314	-3	-156	8
Savings due to lower pay scales for part of year.....		-3		-9		-27	-18
Net, full-time permanent.....	1	28	68	2,377	76	2,591	8
Other than permanent.....							
Temporary employment.....	17	346	30	542	15	565	-15
Other personnel compensation.....							
Overtime.....	1	72	21	1,032	21	1,089	37
Total, workyears & personnel compensation.....	19	446	119	3,951	112	4,225	-7
Average GS Salary.....		\$24,778		\$34,955		\$37,723	
Average GS Grade.....		6.4		10.2		10.4	

Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Revenues by Grade and Object Class
(Dollars in thousands)

Object Class	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent	1	28	68	\$2,377	76	\$2,591	8	\$214
11.3 Other than permanent								
Other part-time and intermittent employment	17	\$346	30	542	15	565	-15	23
11.5 Other personnel compensation								
Overtime	1	72	21	1,032	21	1,059		37
Total, workyears and personnel compensation	19	446	119	3,951	112	4,225	-7	274
12.1 Personnel benefits		115		897		980		83
21.0 Travel		39		233		236		3
22.0 Transportation of things				3		3		
23.1 GSA rent				1,673		1,641		-32
23.2 Rental payments to others		6		23		24		1
23.3 Communications, utilities				71		76		5
24.0 Printing		15		22		23		1
25.0 Other services		140		844		785		-59
26.0 Supplies and materials		127		267		282		15
31.0 Equipment		47		3,070		613		-2,457
Total obligations	19	937	119	11,054	112	8,888	-7	-2,166
Relation of obligations to outlays:								
Obligations		937		11,054		8,888		8,888
Outlays		937		11,054		8,888		8,888

**Department of Justice
Immigration and Naturalization Service
Breached Bond/ Detention Fund
Estimates for Fiscal Year 1998
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Immigration and Naturalization Service
Breached Bond/Detention Fund
Summary Statement
Fiscal Year 1998

The Immigration and Naturalization Service (INS) requests a total of 48 positions, 40 workyears, and \$104,471,000 for the Breached Bond/Detention Fund for FY 1998. This request represents an increase of 1 workyear and \$23,558,000 over the FY 1997 level of 48 positions, 39 workyears, and \$80,913,000.

The Breached Bond/Detention Fund was authorized in Section 112 of the Department of Justice Appropriations Act of 1993 (P.L. 102-395). The Act amends Section 286 of the Immigration and Nationality Act of 1952, as amended, by establishing in the General Fund of the Treasury a separate account known as the Breached Bond/Detention Fund. Breached cash and surety bonds totaling in excess of \$8,000,000, posted under the Immigration and Nationality Act of 1952, as amended, which are recovered by the Department of Justice, are deposited as offsetting receipts into the Fund. Amounts deposited into the Fund remain available to the INS, until expended, for expenses incurred in the collection of breached bonds and for expenses associated with the detention of illegal aliens.

The INS uses immigration delivery and exclusion bonds as a means of ensuring that illegal aliens appear at deportation and exclusion hearings. Aliens in custody of the INS may be released on their own recognizance or through the posting of delivery bonds, which are either cash or surety bonds (and a limited number of Treasury bonds or notes). These bonds become contracts between the INS and persons acting on the behalf of aliens (obligors) who promise their appearances in court. Under a cash bond, an obligor deposits the entire amount in cash with the INS. If the alien fails to appear as scheduled, the bond is breached and the Government retains the amount of the posted bond. Under a surety bond, the surety (insurance) company guarantees the amount of the bond and, if the alien fails to appear as required, the surety is liable to INS for the breached bond amount.

In FY 1998, resources from the Breached Bond/Detention Fund will be used to: support the detention of criminal and illegal aliens; continue bond management and collection activities; support the use of litigation to obtain compliance from surety companies found to be delinquent in meeting their obligations to the INS; and, continue the operation of automated systems to support these activities.

In September 1996, the Illegal Immigration Reform and Immigrant Responsibility Act (Section 286 (s), P.L. 104-208) authorized a new detention account titled the Immigration Detention Account. Receipts from this account will be derived from the penalty portion of receipts collected under the provisions of section 245(i) of the INA. Specifically, these resources may be used for expenses incurred for the detention of aliens under Sections 236 (c), mandatory detention of criminal and terrorist aliens, and 241 (a), mandatory detention of aliens with final orders of deportation. The amount projected to be available for this purpose in FY 1998 is \$97,700,000, an increase of

with final orders of deportation. The amount projected to be available for this purpose in FY 1998 is \$97,700,000, an increase of \$23,400,000 over the levels expected to be deposited in the fund in FY 1997. In order to simplify the INS resource structure, INS proposes to merge the newly created Immigration Detention Account with the Breached Bond/Detention Fund. This is requested in Section 111 (General Provisions, Department of Justice), which amends the language authorizing the Immigration Detention Account to require that the receipts made available under section 245(i) of the INA, noted above, be deposited into the Breached Bond/Detention Fund. These receipts would support activities related to detention operations, including additional State and local detention capacity.

Immigration and Naturalization Service
Breach Bond/Detention Fund
Crosswalk of 1997 Changes
(Dollars in thousands)

Activity/Program	1997 President's Budget Request		Congressional Appropriation Action on 1997 Request		1997 Appropriation Anticipated	
	Pos	WY	Pos	WY	Pos	WY
1 Enforcement						
a Detention and Deportation						
Breach Bond/Detention Fund	32	23			32	23
Immigration Detention Account						
						\$2,398
						74,300
2 Immigration Support						
a Legal Proceedings	4	4			4	4
						393
3 Program Direction						
a Management and Administration	12	12			12	12
						3,822
Total	48	39			48	39
						80,913

This exhibit includes resources which are collected under the provisions of section 245(i) of the Immigration and Nationality Act, as amended, and made available for obligation in the Immigration Detention Account in FY 1997. The Immigration Detention Account is proposed to be merged with the Breach Bond/Detention Fund in FY 1998.

Immigration and Naturalization Service
Breached Bond/Detention Fund
Summary of Requirements
(Dollars in thousands)

Adjustments to base		Perm Pos	Work- years	Amount
1997 Appropriation: Anticipated		48	39	\$6,613
Breached Bond/Detention Fund				74,300
Immigration Detention Account		48	39	80,913
1997 Appropriation: Anticipated, total			1	158
Increases (automatic, non-policy)				23,400
Amortization of Immigration Detention Account		48	40	104,471
1998 Base				
Program Changes		48	40	104,471
1998 Request				
1997 Appropriation				
Anticipated		Perm Pos	WY	Amount
Estimates by budget activity		32	23	\$76,698
1 Enforcement		4	4	393
2 Immigration Support		12	12	3,822
3 Program Direction		48	39	80,913
Total				
		48	40	104,471
1998 Base				
		Perm Pos	WY	Amount
		32	23	\$100,156
1 Enforcement		4	4	404
2 Immigration Support		12	13	3,911
3 Program Direction		48	40	104,471
Total				
		48	40	104,471
1998 Request				
		Perm Pos	WY	Amount
		32	23	\$100,156
1 Enforcement		4	4	404
2 Immigration Support		12	13	3,911
3 Program Direction		48	40	104,471
Total				
		48	40	104,471

This exhibit includes resources which are collected under the provisions of section 244(i) of the Immigration and Nationality Act, as amended, and made available for obligation in the Immigration Detention Account.

Immigration and Naturalization Service
Breach Bond/Detention Fund
Summary of Requirements
(Dollars in thousands)

	1996 Actual	1997 Appropriation Anticipated	1998 Request
Financing			
Unappropriated balance, start of year.....	\$7,950	\$1,455	\$1,342
Collections: INA Section 245(i) receipts.....	..	74,300	97,700
Collections: Breached and Forfeited Bonds.....	11,370	14,500	15,000
Total available for appropriation.....	19,320	90,255	114,042
Transfer to the General Fund of the U.S. Treasury.....	-8,000	-8,000	-8,000
Available receipts.....	11,320	82,255	106,042
Appropriation.....	-9,865	-60,913	-104,471
Unappropriated balance available, end of year.....	1,455	1,342	1,571
Obligations	10,022	80,913	104,471
Recovery of prior years obligations.....	-157	..	..
Requirement.....	9,865	80,913	104,471
Obligations by program			
Enforcement:			
Detention and Deportation:			
Breach Bond/Detention Fund.....	7,275	2,398	2,456
Immigration Detention Account.....	..	74,300	97,700
Immigration Support:			
Legal Proceedings.....	353	393	404
Program Direction:			
Management and Administration.....	2,394	3,822	3,911
Total obligations.....	10,022	80,913	104,471

This exhibit includes resources which are collected under the provisions of section 245(i) of the Immigration and Nationality Act, as amended, and made available for obligation in the Immigration Detention Account.

Immigration and Naturalization Service Breach Bond/Detention Fund Summary of Resources by Program (Dollars in thousands)															
Estimate by program	1996 As Enacted			1996 Actual			1997 Appropriation			1998 Base			1998 Request		Increase/Decrease
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Enforcement															
Detention and Deportation															
Breach Bond/Detention Fund	32	23	\$7,222	32		\$7,275	32	23	\$2,398 *	32	23	\$2,458 *	32	23	\$2,458 *
Immigration Detention Account									74,300			97,700			97,700
Immigration Support															
Legal Proceedings	4	4	349	4	3	353	4	4	393	4	4	404	4	4	404
Program Director															
Management and Administration	12	12	3,580	12	10	2,324	12	12	3,812	12	13	3,911	12	13	3,911
Total obligations	48	39	11,151	48	13	10,022	48	39	80,913	48	40	104,471	48	40	104,471
Other workyears															
Over time															
Total compensable workyears	6	45		6	19		6	45		6	46		6	46	
* The exhibit includes resources in FY 1997 and FY 1998 which are collected under the provisions of section 245(c) of the Immigration and Nationality Act as amended for the detention of aliens. The FY 1997 column includes \$74,300 in funding from the Immigration Detention Account. The FY 1998 Base and Request columns include \$97,700 from the account.															

* The exhibit includes resources in FY 1997 and FY 1998 which are collected under the provisions of section 245(i) of the Immigration and Nationality Act as amended. The FY 1997 column includes \$14,300,000 in funding from the Immigration Detention Account. The FY 1998 Base and Request columns include \$97,700 from this account.

Immigration and Naturalization Service
Breached Bond/Detention Fund
Program Performance Information
(Dollars in thousands)

The Breached Bond/Detention Fund was authorized in Section 112 of the Department of Justice Appropriations Act of 1993 (P.L. 102-395). The Act amends Section 286 of the Immigration and Nationality Act of 1952, as amended, by establishing in the General Fund of the Treasury a separate account known as the Breached Bond/Detention Fund. Breached cash and surety bonds totaling in excess of \$8,000,000, posted under the Immigration and Nationality Act of 1952, as amended, which are recovered by the Department of Justice, are deposited as offsetting receipts into the Fund. Amounts deposited into the Fund remain available to the INS, until expended, for expenses incurred in the collection of breached bonds and for expenses associated with the detention of illegal aliens.

The INS uses immigration delivery and exclusion bonds as a means of ensuring that illegal aliens appear at deportation and exclusion hearings. Aliens in custody of the INS may be released on their own recognizance or through the posting of delivery bonds, which are either cash or surety bonds (and a limited number of Treasury bonds or notes). These bonds become contracts between the INS and persons acting on the behalf of aliens (obligors) who promise their appearances in court. Under a cash bond, an obligor deposits the entire amount in cash with the INS. If the alien fails to appear as scheduled, the bond is breached and the Government retains the amount of the posted bond. Under a surety bond, the surety (insurance) company guarantees the amount of the bond and, if the alien fails to appear as required, the surety is liable to INS for the breached bond amount.

In FY 1998, resources from the Breached Bond/Detention Fund will be used to: support the detention of criminal and illegal aliens; continue bond management and collection activities; support the use of litigation to obtain compliance from surety companies found to be delinquent in meeting their obligations to the INS; and, continue the operation of automated systems to support these activities. The authorization for the INS to retain these services has provided the agency with the means to effect improvements in bond processing and debt management.

In September 1996, the Illegal Immigration Reform and Immigrant Responsibility Act (Section 286 (g), P.L. 104-208) authorized a new detention account titled the Immigration Detention Account. Receipts from this account will be derived from the penalty portion of receipts collected under the provisions of section 245(i) of the INA. Specifically, these resources may be used for expenses incurred for the detention of aliens under Sections 236 (c), mandatory detention of criminal and terrorist aliens, and 241 (a), mandatory detention of aliens with final orders of deportation. The amount projected to be available for this purpose in FY 1998 is \$97,700,000. In order to simplify the INS resource structure, INS proposes to merge the newly created Immigration Detention Account with the

Breached Bond Detention Fund. This is requested in Section 111 (General Provisions, Department of Justice) which amends the language authorizing the Immigration Detention Account to require that the receipts made available under section 245(i) of the INA, noted above, be deposited into the Breached Bond/Detention Fund. These receipts would support activities related to detention operations, including additional State and local detention capacity.

ACTIVITY: ENFORCEMENT

	Perm. Pos.	FTE	Amount
Detention and Deportation			
1997 Availability	32	23	\$76,698
1998 Base	32	23	100,156
1998 Estimate	32	23	100,156
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- Detention and Deportation program personnel, located in INS field offices, process all required documents needed to issue cash or surety bonds to permit the release of aliens in deportation or exclusion proceedings. These personnel are also responsible for reviewing aliens' files and taking appropriate actions to cancel bonds when their provisions have been satisfied, and to breach bonds in the event that the aliens do not appear as required.
- The Detention and Deportation program detains aliens who are subject to deportation or exclusion proceedings who are likely to abscond or whose freedom at large would clearly represent a danger to public safety and security until they are ready for removal. Performance of this function includes the transportation of aliens to INS and non-INS (contract) facilities, secure detention, medical care and other necessary support services.
- The Immigration Detention Account (IDA) was authorized in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208), for the purpose of making available a portion of the receipts obtained from the adjustment of immigration status under the provisions of section 245(i) of the Immigration and Nationality Act (INA). These resources may be used for expenses incurred for the detention of aliens Sections 236(c) and 241(a) of the INA. In FY 1998, as noted above, the Administration is proposing that these receipts be deposited in the Breached Bond/ Detention Fund.
- In FY 1997, the INS estimates that up to \$74.3 million may be collected in the IDA. However, INS does not anticipate that these resources will become available for operational use until the last quarter of FY 1997. Following notification to the Appropriations Committees on the use of the resources, INS plans to position itself at the end of FY 1997 to increase its State and local bed spaces by up to 1,136 beds. It is anticipated that these beds will not become fully operational until FY 1998.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Legal Proceedings			
1997 Availability	4	4	\$393
1998 Base	4	4	404
1998 Estimate	4	4	404
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- In debt collection actions, attorneys represent the INS in litigation conducted against parties found delinquent in meeting their financial responsibilities to the Federal Government. The attorneys undertake legal actions to collect breached surety bonds, air and sea carrier fines, and transit without visa damages.

ACTIVITY: PROGRAM DIRECTION

	Perm. Pos.	FTE	Amount
Management and Administration			
1997 Availability	12	12	\$3,822
1998 Base	12	13	3,911
1998 Estimate	12	13	3,911
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- The function of the Management and Administration program is to direct implementation of INS-wide policy as it relates to collection of breached bonds and ensure its effective and uniform application; establish a system to track, report, and bill breached surety bonds posted by aliens; and continue improvements in the forfeiture and collection process to allow increased resources to be directed toward the detention of criminal and other illegal aliens.

Immigration and Naturalization Service
 Breached Bond/Detention Fund
 Priority Ranking
 Fiscal Year 1998

Program	Base Program	Ranking
Detention and Deportation		1
Legal Proceedings		2
Management and Administration		3

1816

Immigration and Naturalization Service
Breached Bond/Detention Fund
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996 Authorized	1997 Authorized	1998 Request
Attorneys (905).....	2	2	2
Paralegal Specialists (950).....	2	2	2
Detention and Deportation Officer (1801).....	16	16	16
General Administrative and Clerical (300-399).....	16	16	16
Accounting and Budget (500-599).....	12	12	12
Total.....	48	48	48
Washington.....	16	16	16
U.S. Field.....	32	32	32
Total.....	48	48	48

1817

Immigration and Naturalization Service
Branches/Bar/Quarantine Entry
Summary of Agents, Attorneys, and Support Positions
EX-1087-1088

Decision Unit	1987 Appropriation Anticipated					1988 Changes					1988 Request Level				
	Agents Pos.	FTE	Attorneys Pos.	Support FTE	Total Pos.	Agents Pos.	Attorneys Pos.	Support FTE	Total Pos.	Agents Pos.	Attorneys Pos.	Support FTE	Total Pos.	Agents Pos.	Attorneys Pos.
Inspectors															
Border Patrol															
Investigative															
Detention & Deportation															
Intelligence															
Adjudication & Naturalization															
International Affairs															
Training															
Offs & Comm. Systems															
Information & Records Mgmt															
Construction & Engineering															
Legal Proceedings															
Management & Administration															
Total	2	2	2	46	50										

Immigration and Naturalization Service
Breach Bond/Detention Fund
Summary of Change
(Dollars in thousands)

	Positions	Work- years	Amount
1997 Appropriation Anticipated:			
Breach Bond/Detention Fund.....	48	39	\$6,613
Immigration Detention Account.....	...	...	74,300
1997 Appropriation Anticipated, total.....	48	39	80,913
Adjustments to base:			
Increases:			
Annualization of 1997 Immigration Detention Account.....	...	...	23,400
1998 Pay raise.....	...	...	18
Annualization of 1997 pay raise.....	...	...	6
Within - grade increases.....	...	...	18
Medical Hospital Service costs.....	...	...	4
General pricing level adjustments.....	...	...	112
Restoration of FY 1996 FTE Reduction.....	...	1	...
Total, increases.....	...	1	23,558
1997 Base.....	48	40	104,471
Program Changes.....	...	...	...
1997 Request.....	48	40	104,471

1819

Immigration and Naturalization Service
Breached Bond/Detention Fund
Justification of Adjustments to Base
(Dollars in thousands)

	Pos.	Work- years	Amount
--	------	----------------	--------

Adjustments to Base:

Increases:

Annualization of Immigration Detention Account .....	...	...	\$23,400
Receipts available for obligation in the Immigration Detention Account are estimated to be \$74,300,000 in FY 1997. In FY 1998, the amount estimated for the full year is \$97,700,000. Annualization of \$23,400,000 is required.			

1998 pay raise .....	...	...	18
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 1998 Budget Submissions, August 1, 1996. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$18,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$14,000 for pay and \$4,000 for benefits = \$18,000).			

Annualization of 1997 pay raise .....	...	...	6
This pay annualization represents first quarter amounts (October through December) of the anticipated 1997 pay increase of 3.0 percent, plus appropriate personnel benefits (\$4,000 for pay and \$2,000 for benefits).			

1820

Within-grade increases .....	..	18
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$14,000 for pay and \$4,000 for benefits.		
Medical Hospital Service costs .....	..	4
The Department of Health and Human Services is projecting an increase in health care costs. The Department is applying a factor of 5.3 percent against medical services. An increase of \$4,000 will be required for 1998.		
General pricing level adjustments .....	..	112
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.8 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.		
Restoration of FY 1996 FTE Reduction	1	..
In FY 1996, this account absorbed a reduction of 9 FTE over the FY 1996-1997 time frame. An analysis of the workyears required by this account indicates a total of 1 FTE is required to be restored in FY 1998.		
Total adjustments to base	1	23,558

1821

Immigration and Naturalization Service
 Breached Bond/Deletion Fund
 Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

Grades and Salary Ranges	1996 Actual		1997 Appropriation		1998 Request		Increase/Decrease	
	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount
GS-14, \$64,555-\$3,022	2		2		2			
GS-13, \$54,630-71,017	12		12		12			
GS-12, \$45,930-56,725	16		16		16			
GS-9, \$31,660-41,185	2		2		2			
GS-6, \$23,305-30,294	16		16		16			
Locality Pay								
1996 Pay Rates		\$12		\$12				
1997 Pay Rates		47		47				
1998 Pay Rates				59				\$59
Total, positions						48		\$59
Pay above stated annual rates	48	2,123	48	2,255	48	2,321		\$66
Leaves			8		9			
Savings due to lower pay scales for part of year	-35	-1,451	-9	-1,461	-9	-1,498		-35
Net full-time permanent	13	668	39	788	39	820		1
Other than permanent	1	26			1	2		1
Other personnel compensation								
Overtime	1	29	1	10	1	10		
Special personal services payments								
Total, workyears and personnel compensation	15	737	40	845	41	877		32
Average GS Salary		\$44,229		\$46,979		\$48,167		
Average GS Grade		10.9		11.6		11.8		

Immigration and Naturalization Service
 Breached Bond/Retention Fund
 Summary of Requirements by Object Class
 (Dollars in thousands)

Object Class	1996 Actual			1997 Appropriation			1998 Request			Increase/Decrease		
	Work- years	Amount		Work- years	Amount		Work- years	Amount		Work- years	Amount	
11.1 Full-time permanent.....	13	\$668		39	\$788		39	\$820		..	\$32	
11.3 Other than permanent.....	1	26		..	2		1	2		1	..	
11.5 Other personnel compensation.....	1	29		1	10		1	10		..	..
11.8 Special personnel services payments.....	14	14		45	45		45	45		..	..
Total, workyears and personnel compensation.....	15	737		40	845		41	877		1	32	
12.1 Personnel benefits.....	132			175			185			10		
13.0 Benefits to former personnel.....	..	..		..	..		..	..		..	..
21.0 Travel and transportation of persons.....	241			458			461			3		
22.0 Transportation of things.....	2			..	..		..	..		..	..
23.1 GSA rent.....	103			103			103			..	..
23.2 Rental payments to others.....	9			9			9			..	..
23.3 Comm., utilities and misc. charges.....	1			..	..		..	..		..	..
24.0 Printing and reproduction.....	7,657			77,500			100,983			23,483		
25.0 Other services.....	433			910			937			27		
26.0 Supplies and materials.....	157			111			114			3		
31.0 Equipment.....	..	..		..	..		..	..		..	..
32.0 Land and structures.....	550			802			802			..	..
42.0 Insurance claims and indemnities.....	..	..		..	..		..	..		..	..
44.0 Refunds.....	..	..		..	..		..	..		..	..
91.0 Unvouchered.....	..	..		..	..		..	..		..	..
Total Obligations.....	15	10,022		40	80,913		41	104,471		1	23,558	
Relation of obligations to outlays:												
Total obligations.....		10,022			80,913			104,471				
Recovery of prior year obligations.....		157			..			..
Outlays.....		9,865			80,913			104,471				

**Department of Justice
Immigration and Naturalization Service
Immigration Examination Fee
Estimates for Fiscal Year 1998
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Immigration and Naturalization Service
Immigration Examinations Fee Account
Summary Statement
Fiscal Year 1998

The Immigration and Naturalization Service (INS) is requesting 5,139 positions, 5,579 work years, and \$646,916,000 in the Immigration Examinations Fee account. This request represents an increase of 71 positions, 646 work years, and \$22,131,090 from the FY 1997 funded level.

The Immigration Examinations Fee account was established in the Department of Justice Appropriations Act of 1989 (P.L. 100-459). Section 209 of the Act amends 8 U.S.C. 1356 by establishing a separate account into which the Attorney General may deposit adjudication fees collected under the regulations governing INS. All deposits to the account are paid out of this appropriation for expenses in providing immigration adjudication and naturalization services. The resources are to be made available for adjudication of applications and petitions for benefits under the Immigration and Nationality Act of 1952, as amended; asylum, refugee, parole and overseas activities; adjudication-related work performed in other INS and non-INS programs; and the necessary support for all of these activities.

1825

In action taken in FY 1995, the Congress amended Section 245(f) of the Immigration and Nationality Act of 1952, as amended, to allow certain categories of aliens to adjust their status in the United States upon payment of fees for this benefit. The provision has resulted in an increased workload, as well as an increase in resources available to INS for processing these and other applications for immigration benefits. This provision expires on September 30, 1997, but INS has proposed legislative language to extend this provision indefinitely.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208, amends section 245(f) to allow INS to collect \$1,000 in addition to the regulatory filing fee required for the processing of an application for adjustment of status.

Over the past year, the Immigration and Naturalization Service conducted a fee study of immigration adjudication and naturalization fees in the Examinations Fee Account. The purpose of the just completed study was to develop a more consistent and reliable cost accounting methodology, and to produce a legally defensible Examinations Fee Account Fee Schedule. Work is now proceeding to

develop and refine a proposed rule. The target for publishing a proposed rule is February 1997, with implementation of a new fee schedule on October 1, 1997. Subsequent budget requests will incorporate new fee schedules.

Professionalism

A total of 11 positions, 5 workyears, and \$5,008,000 is requested under the Professionalism initiative to support the Statistical Analysis Program. The resources will allow INS to keep up with an increasing workload and expand the quantity and quality of professional analytical services provided to other program areas within INS and to external audiences. The increased demand for information for management purposes has placed greater emphasis on INS statistical activities, including improvements in the timeliness, accuracy, usefulness, and frequency of reporting of the captured data. The Statistical Analysis Program also must provide essential information and statistical models to the Office of Budget for projecting future revenue in the Immigration Examinations Fee account. In addition, the request will enable the Office of Policy and Planning to properly carry out planning activities, data analyses responsibilities, and evaluations of the operational requirements for Examinations Fee funded programs.

Improving Services and Benefits

A total of 60 positions, 30 workyears, and \$46,485,000 is requested under the Improving Services and Benefits initiative. Of this total, the Adjudications and Naturalization program requires 50 positions, 25 workyears, and \$6,497,000 for efforts to create a corps of representatives that would strengthen customer service, as well as maintain the level of operations established in FY 1997. For the International Affairs program \$1,800,000 is requested to increase support for the Humanitarian Affairs program. The Training program requests includes \$500,000 to develop a training module that will provide customer service training to all INS employees that have direct contact with customers. The Data and Communications program requests \$16,847,000 for projects related to the enhancement of the current records infrastructure and information network such as ENFORCE; Receipt Alien File Accountability and Control System (RAFACS), and IDENT; enhancement of the Central Index System (CIS); automation of the fingerprint collection and clearance process; increasing public access to INS information and forms via the Internet and the Ask Immigration system; and re-engineering of the CLAIMS naturalization case processing capabilities. For the Information and Records program 10 positions, 5 workyears, and \$19,841,000 are required to relocate files and transition to electronic A-Files; establish a single INS 1-800 telephone service for public inquiries; to improve delivery of forms from the two forms centers; expand the direct mail program to San Francisco and Newark; and maintain FY 1997 operations. An additional \$1,000,000 is also requested for the Construction and Engineering program to fund a contractor study of the office location and layout of INS offices to meet customer needs with respect to accessibility.

Immigration and Naturalization Service
Immigration Examinations Fee
Crosswalk of 1997 Changes
(Dollars in thousands)

Activity/Program	1997 President's Request			Congressional Appropriation			Reprogrammings			1997 Availability			
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	
Enforcement													
a Inspections	428	318	\$27,891				-1	-1	-\$15	427	317	\$27,876	
b Investigations	94	93	9,669						-8	94	93	9,663	
c Intelligence	14	11	1,108							14	11	1,108	
Subtotal	536	422	38,668				-1	-1	-21	535	421	38,647	
Citizenship and Benefits													
a Adjudications and Naturalization	2,643	2,450	231,551				173	654	51,076	2,816	3,104	282,827	
b International Affairs	410	396	58,777	388	261	29,567	-1	-1	-919	803	656	86,423	
Subtotal	3,059	2,846	291,328	388	261	29,567	172	653	50,157	3,619	3,760	371,032	
Immigration Support													
a Training	24	27	3,214							478	24	27	3,892
b Data and Communications	72	57	49,401							2,054	72	57	78,377
c Information and Records Mgmt	826	515	108,905				-2	9	5,744	624	524	112,649	
d Construction and Engineering	1	1	175				1	1	70	2	2	245	
e Legal Proceedings	53	40	6,846							222	53	40	6,824
Subtotal	776	640	168,341				-1	10	6,324	775	650	201,587	
Program Direction													
a Management and Administration	122	91	14,724				17	11	-1,225	139	102	13,499	
Total	4,493	3,999	511,061	388	261	56,489	187	673	57,235	5,068	4,933	624,785	

Congressional Appropriation Action on the 1997 Budget Request. The Congress directed the transfer of 388 positions, 261 workyears, and \$29,567,000 in resources associated with the Asylum program and \$26,922,000 for automation and infrastructure requirements from the VCRP to the Examinations Fee account.

Reprogrammings. The reprogramming of resources reflects the permanent effects of the May 23, 1996, the August 8, 1996, the August 18, 1996, the December 18, 1996, and the December 23, 1996 reprogramming notifications. In the narratives accompanying the notifications, it was stated that portions of the reprogrammings were of a permanent nature and would carry into 1997.

Immigration and Naturalization Service
Immigration Examination Fee
Summary of Requirements
(Dollars in thousands)

	1997 Appropriation Anticipated			1998 Base			1998 Estimate			Increase/Decrease		
	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
Adjustments to base												
1997 Appropriation Anticipated												
Annualization of FY 1997 Reprogrammings												
Increases												
Decreases												
Restoration of FY 1996 FTE Reduction												
1998 Base												
5,068	4,933	\$624,785										
-477	-36,782											
	13,203											
	-5,773											
	1,088											
5,068	5,544	595,423										
71	35	51,493										
5,139	5,579	646,916										
Program Changes (See Program Narrative for Details)												
1998 Request												
1997 Appropriation Anticipated												
Perm												
Pos.												
WY												
Amount												
Estimates by budget activity												
1 Enforcement	535	421	\$38,647	535	510	\$39,687	535	510	\$39,687			
2 Citizenship and Benefits	3,619	3,760	371,052	3,619	3,957	344,198	3,689	3,992	352,495	50	25	\$8,297
3 Immigration Support	775	650	201,567	775	933	197,564	785	938	235,752	10	5	38,188
4 Program Direction	139	102	13,499	139	144	13,974	150	149	18,982	11	5	5,008
Total	5,068	4,933	\$624,785	5,068	5,544	595,423	5,139	5,579	646,916	71	35	51,493

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Requirements
(Dollars in thousands)

	1996 Actual	1997 Appropriation Anticipated	1998 Estimate
Financing			
Unexpended balance, start of year.....	\$ 197,642	\$252,061	\$67,776
Receipts.....	570,631	514,800	679,300
Transfers to Breached Bond/Retention Fund.....	---	723,300	327,200
Total income for appropriation.....	768,473	692,961	646,376
Appropriation.....	518,412	524,735	544,815
Unexpended balance, end of year.....	252,061	67,776	2,460
Obligations	521,664	624,785	646,916
Recovery of prior year obligations.....	5,272	---	---
Total requirements.....	516,412	624,785	646,916
Obligations by program			
Enforcement:			
Inspections.....	13,282	27,876	28,616
Investigations.....	7,760	9,663	9,930
Intelligence.....	654	1,108	1,139
Subtotal.....	21,906	38,647	39,687
Citizenship and Benefits:			
Adjudications and Naturalization.....	276,272	282,627	259,696
International Affairs.....	54,989	84,425	92,799
Subtotal.....	331,261	371,052	352,495
Immigration Support:			
Training.....	3,522	3,692	4,275
Data and Communications.....	50,846	78,377	94,555
Information and Records Management.....	83,089	112,649	128,836
Construction and Engineering.....	3,090	245	1,270
Legal Proceedings.....	5,530	8,624	8,818
Subtotal.....	156,077	201,587	236,752
Program Direction, Management and Administration	12,440	13,499	18,982
Total obligations.....	521,664	624,785	646,916

Immigration and Naturalization Service
 Immigration and Naturalization Service
 Summary of Resources by Program
 (Dollars in thousands)

Estimates by program	1998 As Enacted			1998 Actual			1997 Appropriation			1998 Base			1998 Estimate			Increase/Decrease		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
Enforcement																		
Inspections	428	318	\$28,501	428	240	\$13,282	427	317	\$27,876	427	405	\$28,618	427	405	\$28,618			
Investigations	84	93	9,248	84	84	7,780	84	93	9,863	84	82	9,930	84	82	9,930			
Intelligence	54	41	11,528	54	41	11,528	54	41	11,528	54	41	11,528	54	41	11,528			
Subtotal	536	422	36,818	536	335	21,863	535	421	36,847	535	510	39,887	535	510	39,887			
Citizenship and Benefits																		
Administrative and Naturalization	2,843	2,720	276,212	2,843	2,770	278,272	2,816	3,104	282,627	2,816	3,201	253,199	2,866	3,226	259,896	50	25	\$6,487
Administrative Affairs	1,618	1,596	151,170	1,618	1,544	150,489	1,603	1,656	164,425	1,603	1,726	167,799	1,603	1,726	167,799	1,500	1,500	
Subtotal	3,098	3,116	337,112	3,098	3,084	331,261	3,019	3,760	311,052	3,019	3,927	344,198	3,069	3,952	352,495	50	25	\$6,487
Immigration Support																		
Training	24	27	3,862	24	23	3,522	24	27	3,882	24	25	3,775	24	25	4,275			500
Media and Communications	57	57	48,895	72	53	50,848	72	57	78,377	72	70	77,708	72	70	84,555			16,847
Immigration Research and Management	82	75	14,585	82	70	13,585	82	54	116,525	82	75	108,270	82	75	105,565			2,715
Construction and Engineering	1	1	3,173	1	1	3,090	2	2	245	2	2	270	2	2	1,270	10	5	1,000
Legal Proceedings	53	40	6,414	53	52	5,530	53	40	6,824	53	55	6,816	53	55	6,816			
Subtotal	1,008	870	160,882	1,008	878	156,077	775	650	201,587	775	933	187,564	785	938	235,752	10	5	38,188
Program Operation																		
Management and Administration	122	121	14,858	122	100	12,440	138	102	13,498	138	144	13,974	150	148	18,982	11	5	5,008
Total	4,723	4,499	550,881	4,723	4,378	521,684	5,068	4,833	624,785	5,068	5,544	585,423	5,138	5,578	648,816	71	35	51,483
Total Workyears			4,499			4,378			4,833			5,544			5,578			35
Other Workyears																		
Holiday																		
Overtime	3			3			4			4			4					
AUC	48			48			48			48			48					
Other	272			272			272			272			272					
Total compensable workyears	4,823			4,702			5,238			5,868			5,904					35

**Immigration and Naturalization Service
Immigration Examinations Fee
Program Performance Information
(Dollars in thousands)**

The Immigration Examinations Fee account was established in the Department of Justice Appropriations Act of 1989 (P.L. 100-459). Section 209 of the Act amends 8 U.S.C. 1356 by establishing a separate account into which the Attorney General may deposit adjudication fees collected under the regulations governing INS. All deposits to the account are paid out of this appropriation for expenses in providing immigration adjudication and naturalization services. The resources are to be made available for adjudication of applications and petitions for benefits under the Immigration and Nationality Act; asylum, refugee, and parole and overseas activities; adjudication-related work performed in other Service and non-Service programs; and to provide necessary support to all of these activities.

In action taken in FY 1995, the Congress amended Section 245 of the Immigration and Nationality Act to allow certain categories of aliens to adjust their status in the United States upon payment of fees for this benefit. The provision has resulted in an increased workload, as well as an increase in resources available to the INS for processing these and other applications for immigration benefits. The provision expires at the end of FY 1997. Appropriation language is proposed in the General Provisions that would repeal the sunset date of Section 245(i).

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208, amends section 245(i) to allow INS to collect \$1,000 in addition to the regulatory filing fee required for the processing of an application for adjustment of status. The Examinations Fee account will be allowed to retain the \$130 application fee and the \$1,000 penalty fee will be deposited in the Immigration Detention account.

Over the past year, the Immigration and Naturalization Service conducted a fee study of immigration adjudication and naturalization fees in the Examinations Fee Account. The purpose of the just completed study was to develop a more consistent and reliable cost accounting methodology, and to produce a legally defensible Examinations Fee Account Fee Schedule. Work is now proceeding to develop and refine a proposed rule. The target for publishing a proposed rule is February 1997 with implementation of a new fee schedule on October 1, 1997. Subsequent budget requests will incorporate new fee schedules.

ACTIVITY: ENFORCEMENT

	Perm.	FTE	Amount
Inspections			
1997 Availability	427	317	\$27,876
1998 Base	427	405	28,618
1998 Estimate	427	405	28,618
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- The function of this program in the Immigration Examinations Fee account is to process and adjudicate applications for immigration benefits. Applications and petitions for a full range of benefits under the immigration laws are adjudicated during periods of standby time at most ports-of-entry during non-peak workload hours. Certain types of applications are presented directly at land border ports-of-entry located on the United States borders where they are adjudicated and issued by inspections personnel.
- Additional resources within the Immigration Examinations Fee account are targeted to the Inspections program for the Fees for Services, which INS began assessing at land border ports-of-entry on October 9, 1995. The documents are issued to visitors from Mexico and Canada who are qualified to enter the United States, and are afforded such special privileges as extending length of stay and broadening areas of travel beyond that offered to nonresident alien Mexican or Canadian border crossing cards.

ACTIVITY: ENFORCEMENT

	Perm.	FTE	Amount
Investigations			
1997 Availability	94	93	\$9,663
1998 Base	94	92	9,930
1998 Estimate	94	92	9,930
Increase/Decrease	...	...	...

BASE PROGRAM DESCRIPTION:

- Generally, the functions of the Investigations program include the detection of criminal law violations and the identification of violators through undercover operations and traditional investigative procedures to initiate criminal prosecution and/or administrative action. Many cases investigated involve violators associated with large-scale, organized criminal conspiracies. Quite often, these criminal alien organizations are simultaneously engaged in other illegal activities such as racketeering, alien smuggling, immigration benefit fraud, counterfeiting, prostitution, official corruption, extortion, narcotics, and weapons trafficking on a national or international scale. Special Agents identify these organizations through interviews, informants, surveillance, and through undercover and task force operations. Investigative task force operations include a combination of resources from several offices and agencies.
- More specifically, these resources are focused on one of the basic enforcement priorities of the INS: detection and deterrence of fraud. The principal goal of the fraud program is to discourage illegal immigration through fraud and to protect the integrity of benefits and documents legitimately provided to authorized aliens by the INS. Many investigations concentrate on individual applications which have led to the identification of large-scale production of fraudulent documentation. Therefore, the INS is aggressively targeting complex criminal organizations involved in immigration fraud for criminal prosecution.

ACTIVITY: ENFORCEMENT

	Perm.		FTE	Amount
	Pos.			
Intelligence				
1997 Availability	14	11		\$1,108
1998 Base	14	13		1,139
1998 Estimate	14	13		1,139
Increase/Decrease	...	...		...

BASE PROGRAM DESCRIPTION:

- This program provides strategic and tactical intelligence support to Service offices enforcing the provisions of the Immigration and Nationality Act, and assists other Federal agencies in addressing national security issues. The Service's Forensic

Document Laboratory (FDL) is a critical component of the program. Intelligence support in the Immigration Examinations Fee account contributes to efforts aimed at detecting fraudulent documents and false claims to citizenship and other benefits and privileges.

ACTIVITY: CITIZENSHIP AND BENEFIT

	Perm.	FIE	Amount
Adjudications and Naturalization			
1997 Availability	2,816	3,104	\$282,627
1998 Base	2,816	3,201	253,199
1998 Estimate	2,866	3,226	259,696
Increase/Decrease	50	25	6,497

BASE PROGRAM DESCRIPTION:

- The function of this program is to process, adjudicate, and ultimately grant or deny applications and petitions for benefits provided under the immigration laws. Adjudications activities include processing applicants for permanent resident status, petitions for relatives, worker's applications, reentry permits, refugee travel documents, and extensions of temporary stay. Naturalization activities include the examination of aliens to determine their qualifications for naturalization, issuance of citizenship documents, appearances of Service officials before naturalization courts, and the conduct of administrative naturalization ceremonies.
- The INS Adjudications and Naturalization program operates in field offices located throughout the country and in four Service Centers located in California, Texas, Vermont, and Nebraska. Applications for immigration, nationality and citizenship benefits, and for naturalization are received and adjudicated by a corps of immigration officers (examiners) and adjudications support personnel. District offices adjudicate cases involving personal appearances by petitioners or applicants. The Service Centers concentrate on cases that can be processed without individual appearances and which benefit from volume processing and a production-oriented environment where the immigration officers can conduct their reviews without interruptions caused by telephone inquiries or by meetings with applicants.

ACTIVITY: CITIZENSHIP AND BENEFIT

	Perm.	FTE	Amount
International Affairs			
1997 Availability	803	656	\$88,425
1998 Base	803	756	90,999
1998 Estimate	803	756	92,799
Increase/Decrease	...	...	1,800

BASE PROGRAM DESCRIPTION:

- The function of this program is to adjudicate refugee applications, process parolees, conduct investigations for preference and relative visa petitions, and conduct other records checks and background investigations as required at overseas Service offices. Officers assigned to this program provide assistance to citizens and lawful permanent residents abroad regarding adoptions, immigration or parole of alien spouses and children into the U.S., as well as the availability of other benefits for deserving individuals, and coordinate with the U.S. Coast Guard on the asylum screening process of the Cuban Migrant Interdiction Program.
- The Refugee Act of 1980 created a statutory basis for asylum in the United States and made withholding of deportation of those who qualify mandatory rather than discretionary. While Congress, in passing the Act, established a statutory definition of "refugee", it did not legislate a specific method by which claims for asylum or withholding of deportation were to be adjudicated. Rather, the Congress directed that the Attorney General establish the necessary procedures for such adjudication. Interim regulations were published in June 1980 and remained in effect until superseded by new asylum regulations signed by the Attorney General, which were published as a final rule in the Federal Register on July 27, 1990, and took effect on October 1, 1990. The asylum process was streamlined and integrated between INS and EOIR through regulations, which were published in December 1994 and were effective in January 1995.
- Asylum interviews can only be conducted by members of the Asylum Officers Corps (AOC). The Asylum Officers are centrally managed from INS Headquarters and are located at eight sites throughout the country. These officers also travel throughout the nation performing asylum interviews. Support activities at the eight sites and Headquarters are provided by

- support personnel who perform data updates, as well as mail, file, and correspondence work. A quality control function is performed by supervisory personnel located on site and by Asylum Officers at Headquarters.
- The Congress transferred responsibility for the Cubans and Haitians Entrant Program (CHEP) from the Community Relations Service (CRS) to the INS in 1996. Through grants and cooperative agreements, staff who are part of this program administer:
 - (1) the primary Resettlement Program which provides transitional community-based refugee resettlement services to Cuban and Haitian nationals paroled into the United States;
 - (2) the secondary Resettlement Program which provides resettlement services, emphasizing employment placement and retention at specialized sites outside the state of Florida, to Cubans and Haitians whose initial resettlement in South Florida did not lead to self-sufficiency; and
 - (3) CRS' Unaccompanied Minors Program which provides foster care, residential shelter care, health, counseling, educational, recreational, and family reunification services to unaccompanied Cuban and Haitian minors held in the legal custody of the INS.
- Congressional action on the FY 1997 budget request provided for the transfer of resources in the International Affairs program associated with the Asylum program (388 positions, 261 workyears, and \$29,567,000) from the Violent Crime Reduction Programs appropriation to the Examinations Fee account.

ACTIVITY: IMMIGRATION SUPPORT

Training	Perm.		FTE		Amount
	Pos.				
1997 Availability	24	27			\$3,692
1998 Base	24	25			3,775
1998 Estimate	24	25			4,275
Increase/Decrease	..	..			500

BASE PROGRAM DESCRIPTION:

- The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of INS' workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organizational needs. The program is accomplished in a variety of ways: through in-Service training at the Federal Law Enforcement Training Center facilities (FLETC) at Glynco, Georgia (basic officer training) and at Artesia, New Mexico (journeyman-level officer training); through programs conducted by other Federal agencies; by private contractors; or in combined presentations using Service and non-Service resources.

ACTIVITY: IMMIGRATION SUPPORT

	Perm.	FTE	Amount
Data & Communications			
1997 Availability	72	57	\$78,377
1998 Base	72	70	77,708
1998 Estimate	72	70	94,555
Increase/Decrease	...	...	16,487

BASE PROGRAM DESCRIPTION:

- The Data and Communications program provides direct support for operational programs as well as administrative support functions of the Service. There are six major technology programs included under the Data and Communications program, plus the functions collectively known as Information Resources Management (IRM) Operations. The five program areas, each of which consist of one or more projects in addition to the normal operations and maintenance required for existing systems are: 1) Infrastructure; 2) Examination Systems; 3) Biometric Identification Systems; 4) Corporate Information Systems; and 5) Management Systems (financial and administrative). IRM Operations includes the functions necessary to support the activities of the Data and Communications program.
- The Examination Systems Program provides for an integrated set of functions that incorporate all individual casework-oriented subsystems used to support the processing of applications and petitions for immigration benefits and associated processes such

as the production of immigration documents. These functions and processes include employment authorization, asylum, resident alien processing, and citizenship application and processing for naturalization.

In FY 1998, INS will provide services to operate and maintain the Examinations information technology systems developed and deployed in FYs 1995 through 1997. Such services include: making corrections to existing software to eliminate functional errors, failures, and deficiencies that could affect operational performance; modifications in response to legislative and/or policy changes; the costs for maintaining and upgrading licenses to existing application-specific software; and the costs for maintaining validation and verification capabilities that can be used to test application systems before they are deployed and placed into operation.

- Congressional action on the FY 1997 budget request provided for the transfer of \$26,922,000 in funding for the Data and Communications program from the Violent Crime Reduction Programs account to the Immigration Examinations Fee account

ACTIVITY: IMMIGRATION SUPPORT

	Perm.	FTE	Amount
Information and Records Management			
1997 Availability	624	524	\$112,649
1998 Base	624	781	108,995
1998 Estimate	624	786	128,836
Increase/Decrease	10	5	19,841

BASE PROGRAM DESCRIPTION:

The functions of this program are to:

- provide responses to inquiries from the public and private sectors; local, State and Federal agencies, and the various branches of government, by telephone, in-person, and in writing
- maintain alien records and files from which data may be readily obtained to respond to requests from both within and outside INS;

- develop guidelines, policies and procedures and responses to FOIA/PA requests;
- compile, analyze and evaluate statistics for use in preparing regular and special reports about Service operations and work accomplishments;
- provide for the coordination, development, preparation and review of the Service's regulations, directives, operating instructions and forms, to ensure that these materials are issued and published in accordance with established Federal regulations and laws; and
- monitor and ensure internal compliance to standards for systems and Service delivery.

ACTIVITY: IMMIGRATION SUPPORT

	Perm. Pos.	FTE	Amount
Construction and Engineering			
1997 Availability	2	2	\$245
1998 Base	2	2	270
1998 Estimate	2	2	1,270
Increase/Decrease	...	...	1,000

BASE PROGRAM DESCRIPTION:

- The function of this program is to provide for the acquisition, design, construction, alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the Service is the owning or leasing agency. Space is acquired through the General Services Administration (GSA), by lease and by INS construction.

ACTIVITY: IMMIGRATION SUPPORT

	Perm.	FTE	Amount
Legal Proceedings			
1997 Availability	53	40	\$6,624
1998 Base	53	55	6,816
1998 Estimate	53	55	6,816
Increase/Decrease	..	..	..

BASE PROGRAM DESCRIPTION:

- Within the Legal Proceedings program, INS attorneys represent the Service in asylum, rescission, naturalization, visa petition, adjustment of status cases, registry, 212(c), 241(f), and other examinations-related cases and matters.

ACTIVITY: PROGRAM DIRECTION

	Perm.	FTE	Amount
Management and Administration			
1997 Availability	139	102	\$13,499
1998 Base	139	144	13,974
1998 Estimate	150	149	18,982
Increase/Decrease	11	5	5,008

BASE PROGRAM DESCRIPTION:

The functions of this program are:

- to provide management direction and support for the implementation and operation of regional and field activities and functions to those managers and supervisors who are responsible for and exercise authority over multiple programs;

- to execute the provisions of the Immigration and Nationality Act and related policies through the development and implementation of immigration programs and the management of resources; and
- to provide for the development, implementation, direction, operation and evaluation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. Included in this program are duties related to providing executive direction and control of the Service; furnishing accurate and prompt responses to Congressional and public inquiries; administering and maintaining effective budgeting and financial management systems; performing audits; conducting internal investigations; providing informational responses to frequent inquiries from GAO, OIG, OMB and Departmental offices; and developing and evaluating policies and systems to improve the effectiveness of Service programs. The major administrative functions within the program include: personnel; accounting; equal employment opportunity; procurement; property management; fleet management; security; safety and health; and other miscellaneous general services that support all programs within INS.

**Improving Service and Benefits
Immigration Examinations Fee Account**
(Dollars in Thousands)

	Positions	Workyears	Amount
Adjudications & Naturalization	50	25	\$6,497
International Affairs	..	...	1,800
Training	...	...	500
Data & Communications	...	...	16,847
Information & Records Management	10	5	19,841
Construction & Engineering	...	...	1,000
Total	60	30	\$46,485

Proposed Actions

In previous years, INS has accrued application processing backlogs in addition to experiencing insufficient and inadequate records support, misdirected information and forms delivery, and the preponderance of labor-intensive, manual processing procedures. In FY 1998, INS intends to focus on the entire benefits delivery process, from initial information dissemination and forms distribution, through the records and files activities and adjudication of the case, to the final close-out of the case and file.

The requested enhancements will provide a framework and theme that aligns the INS service arm with the agency's strategic plan and permits INS to build on the progress begun with previous enhancements. This resource request will allow INS to manage its benefits workload to ensure timely and efficient processing for its customers.

This enhancement will improve the services and support components of INS so that services are more accessible, consistent, and structured to better serve its customers. These initiatives will continue and expand on the records support services provided to the key Districts (designated as "key" because of the magnitude of applications filed), extend Direct Mail for naturalization applications to additional Districts, provide funding for expanding capacity in the Service Centers so that the Centers can accommodate further increases in Direct Mail, and develop and pilot automation procedures in the benefits process.

These initiatives will provide INS the resources necessary to maintain pace with the anticipated workload in FY 1998 (about 5 million applications) and the ability to meet the challenges posed by new legislation and the increased demand for a broad range of information.

Strengthen Records Infrastructure

	Workyears	Amount	Positions
Data and Communications	\$6,037
Information and Records Management	1,806
Total	\$7,843

A total of \$7,843,000 is requested to allow INS to implement an information network for records restructuring and relocating existing physical files in preparation for the eventual transition to electronic filing and electronic A-Files. Resources are also being requested in the Violent Crime Reduction Program for this initiative that will allow INS to accomplish improvements that will directly affect the quality of service provided to the INS customer. This initiative includes \$1,700,000 for Enforcement Case Tracking and Management System (ENFORCE). Also included are resources totaling \$3,500,000 to provide a catastrophic backup capability for the IDENT system.

	Positions	Workyears	Amount
Data and Communications	\$6,037

Information Network (\$837,000) -

The resources requested in the Data and Communications program will provide funding for cabling (\$200,000), automated data processing (ADP) equipment (\$267,000), Receipt Alien File Accountability and Control System (RAFACS) installation (\$300,000), telephone/communications installment (\$70,000) and other infrastructure enhancements required to implement the records restructuring.

Biometric ID Systems (IDENT) (\$1,500,000):

These resources will allow INS to continue its servicewide deployment and support of IDENT. Of the total amount being requested, \$1,000,000 will be used to deploy IDENT to the following District Offices: Anchorage, AK; Bloomington, IN; Cleveland, OH; Denver, CO; Detroit, MI; Helena, MT; Kansas City, MO; Omaha, NE; Portland, ME; and Seattle, WA. The resources included in this initiative will fund the examinations fee related portion of the program initiative. Resources for IDENT are also being requested in the Violent Crime Reduction Program and User Fee accounts. The remaining \$2,500,000 will be used to provide catastrophic backup capability. The IDENT system currently does not have this essential backup capability. These resources will be used for a "shadow" system at the Justice Data Center in Dallas, Texas to continuously and automatically copy and backup the primary IDENT control system and database.

Enforcement Case Tracking System (ENFORCE) (\$1,700,000):

This initiative will provide a total of \$1,700,000 for Enforcement Tracking and Management System (ENFORCE). ENFORCE is a case and report tracking system with automated report writing to allow officers to devote more time to operational activities rather than administrative requirements. These resources will fund the Examinations Fee account portion of expanding the ENFORCE system to 25 new sites with the installation of over 1,200 workstations. Of the total amount being requested, \$800,000 will be used to fund the input of intelligence data and \$900,000 will provide resources for the computer based information repository. Additional resources are also being requested for the expansion of ENFORCE in the Violent Crime Reduction Program and the Immigration User Fee accounts.

	Positions	Workyears	Amount
Information and Records Management	\$1,806

Relocating Files and Transition to Electronic A-Files--

An increase of \$1,806,000 will be used to fund the costs attributable to the Examinations Fee account associated with relocating files and the transition to electronic A-Files. The additional resources that INS will require for space, staffing, and other equipment to centralize records operations is being requested in the Violent Crime Reduction Program. These additional resources will allow INS to facilitate the transfer of files to a more centralized operation. The implementation of electronic A-Files will reduce the number of lost files, the cost of mailing and warehousing, and delays in support of enforcement and benefit activities.

Enhance Automated Information Control

	Positions	Workyears	Amount
Data and Communications	\$1,250

Enhance Automated Information Control (\$1,250,000)--

An increase of \$1,250,000 will be used to enhance INS' centralized computer-based information repository, the Central Index System (CIS). These additional resources will allow INS to capture and maintain the most recent biographical and/or biometric information on an alien. This initiative will improve the accuracy of information and reduce the thousands of hours spent on data collection from separate sources and manual reconciliations. Additional resources for this initiative are also being requested in the Violent Crime Reduction Program.

Improve and Automate the Fingerprint Clearance Process

	Positions	Workyears	Amount
Data and Communications	\$1,000

Improve and Automate the Fingerprint Clearance Process (\$1,000,000)--

A total of \$3,000,000 is requested to enhance the fingerprint collection and clearance process. The current fingerprint clearance performed by the FBI can become a lengthy process. INS proposes the development of a system that would provide the capability to electronically capture, store, and eventually transmit fingerprint data to the FBI for verification. This initiative would result in potentially faster and much more accurate clearances (for application processing purposes) because INS will have the ability to verify the quality of prints before they are sent to the FBI.

Single INS 1-800 Telephone Service

	Positions	Workyears	Amount
Information and Records Management	\$9,500

Single INS 1-800 Telephone Service (\$9,500,000)--

A total of \$9,500,000 is requested to expand and consolidate current telephone improvement efforts to establish a sole 1-800 line that would act as a front-end to all non-enforcement related questions. This telephone system would direct all customer calls with initial services including: requests for forms, information, application status, and a method for responding to customer complaints. As additional modules are developed, other types of informational services will become available. Approximately \$1,500,000 is requested for one-time installation costs and \$8,000,000 for connection charges.

Improved Customer Service

	Positions	Workyears	Amount
Adjudications & Naturalization	50	25	\$2,907
Training	"	"	500
Total	50	25	\$3,407

A total of 50 positions, 25 workyears, and \$3,407,000 is requested to allow INS District Offices to create a corps of representatives that would primarily strengthen customer and community relations, in addition to providing customer relations training to current INS service-related employees. INS will foster a commitment to improving customer relations by ensuring there is adequate staff, training, and managerial focus on the importance of establishing and maintaining a positive customer service attitude and approach to providing INS services.

	Positions	Workyears	Amount
Adjudications and Naturalization	50	25	\$2,907
<u>Customer Service Representatives (50 positions, 25 workyears, and \$2,907,000)--</u>			

A total of 50 positions, 25 workyears, and \$2,907,000 is requested so that INS may create a customer service representative position at Districts and Asylum Offices. The representative would have two functions; "troubleshooting" by handling problem cases and complaints, and on the proactive side, gathering information from customers that can be used to improve processes, facilities, and other facets in the service delivery process.

	Positions	Workyears	Amount
Training	\$500
<u>Customer Service Training for All Service-Related INS Personnel (\$500,000)--</u>			

An increase of \$500,000 is being requested to develop a training module that will provide customer service training to all INS employees who have direct contact with customers or manage employees who provide direct service to customers. This training will focus on customer communication, dealing with problem customers and cases, stress management, sensitivity to customer needs, and implementing process changes. An increase for customer service training is also being requested in the Violent Crime Reduction Program.

Service Facilities

	Positions	Workyears	Amount
Construction and Engineering	\$1,000

Office Location/Layout Assessment and Renovation (\$1,000,000)--

A total of \$1,000,000 is being requested to fund a contractor study of the demographic aspects of the INS customer base to determine if the current location and configuration of INS offices meet customer needs with respect to accessibility, parking, public transportation, officer workstation configurations, etc. Based on the results of the study and assessment of space needs, the contractor will propose recommendations regarding facility locations and layouts.

Maintain Productivity in FY 1998

	Positions	Workyears	Amount
Adjudications and Naturalization Information and Records Management	\$1,940
Total	\$2,640

A total of \$2,640,000 is requested to continue the level of productivity previously established.

Adjudications and Naturalization

	Positions	Workyears	Amount
	\$1,940

Maintain Productivity in FY 1998 (\$1,940,000)--

INS is requesting \$1,940,000 to offset increased costs of FBI fingerprint clearances and naturalization ceremonies based on the projected volume of applications for FY 1998.

	Positions	Workyears	Amount
Information & Records Management	\$700

Maintain Currency in FY 1998 (\$700,000) --

Support services contract provides mail and data entry support at the Service Centers. In FY 1998, it is estimated that the volume of applications filed will exceed 5 million. These resources will allow INS to keep pace with the growing volume of applications to be handled at the Service Centers.

Increase Access to Information and Forms

	Positions	Workyears	Amount
Adjudications and Naturalization	...	...	\$1,650
Data & Communications	...	...	1,350
Information and Records Management	10	5	1,385
Total	10	5	\$4,385

A total of 10 positions, 5 workyears, and \$4,385,000 is requested to improve responsiveness to the customer's need for forms and information.

	Positions	Workyears	Amount
Adjudications and Naturalization	\$1,650

Increase Access to Information and Forms (\$1,650,000)--

A total of \$1,650,000 is requested to increase accessibility to forms for INS customers. INS has traditionally provided information and forms through local offices and through telephone requests. These resources will not only increase the accessibility and availability of INS forms and information, but will be used to redesign INS forms and applications to make them more user-friendly and provide a consolidated, one-step forms package for related forms. This request also includes funding to increase the volume of forms produced. Forms will be made available in community-based organizations, fingerprint service entities, and Forms Centers.

Pamphlets explaining INS services will be designed and prepared to distribute to INS customers through the Forms Centers, Telephone Centers, and other designated sites.

	Positions	Workyears	Amount
Data & Communications	\$1,350

Increase Access to Information and Forms (\$1,350,000)--

A total of \$1,350,000 is requested so that INS can focus on improving the quality and comprehension of information regarding applications for benefits. INS has determined that providing simpler forms and instructions, in addition to instructional pamphlets, is more beneficial to the INS applicant. Recommendation 3 of Justice Management Division's (JMD) Management Report on Service Centers states that "INS should make improving the handling of public and internal INS telephone inquiries about applications and benefits a higher priority. INS should move quickly to complete and install "INS Direct" to give fee-paying customers the information they need and deserve." This request would also permit the expansion of 2-d bar code technology to the Service Centers. This technology is currently being piloted in the Los Angeles District to select community-based organizations (CBOs) for filing naturalization applications. The initiative also includes making INS information and forms available on the Internet, which the JMD Service Center report also supports.

	Positions	Workyears	Amount
Information and Records Management	10	5	\$1,385

Increase Access to Information and Forms (10 positions, 5 workyears, and \$1,385,000)--

A total of 10 positions, 5 workyears, and \$1,385,000 is requested to improve the delivery of forms from the two forms centers; specifically, to routinely provide next day mailing, to ensure that mailing always occurs within 48 hours of the receipt of the request, and add sufficient equipment and personnel required to meet the demand that exceeds current capacities causing customers to either call back or seek less efficient venues such as appearing in-person at our District Offices. These standards require the acquisition of "just-in-time" printing capabilities, which will also generate sufficient savings in inventory costs to recoup these costs within five years. This request includes 10 positions (\$485,000), equipment (\$700,000), and contract support (10 contractors at \$200,000). Only \$100,000 of the equipment cost is recurring.

Humanitarian Affairs Program

	Positions	Workyears	Amount
International Affairs	\$1,800

Humanitarian Affairs Program (Formerly known as the Cuban and Haitian Entrant Program (CHEP)) (\$1,800,000)--

A total of \$1,800,000 is requested to increase support to the Humanitarian Affairs Program. In 1998, it is anticipated that 15,000 Cuban nationals will arrive directly in the United States from Havana through the Cuban legal migration program. It is expected that a significant number of these individuals will be visa lottery parolees without family members or other ties to the United States. This request will be used to provide comprehensive reception services to the increased numbers of lottery parolees. This increase will minimize the financial burden on State and local resources and ensure that Cuban migration is orderly and does not adversely impact State and local governments.

Direct Mail Expansion

	Positions	Workyears	Amount
Information and Records Management	\$1,650

Direct Mail (\$1,650,000)--

A total of \$1,650,000 is requested to expand Direct Mail in San Francisco and Newark, and transition Baltimore's naturalization cases into Direct Mail. (At this time, Baltimore is the sole District with CLAIMS automation.) The JMD Management Report on Service Centers recommends that INS "should continue to shift more work to the Service Centers by pre-processing naturalization cases at the Service Centers." These modifications will allow INS to more effectively process naturalization applications. This influx of additional records support permits INS to gain control of the massive records workload at these locations that, at the current staffing level, is difficult to manage. The costs associated with this transfer of naturalization cases provide for additional records contract support in the Service Centers, and for mail, file, and data entry operations.

Continue Records Contract in San Francisco and New York

	<u>Positions</u>	<u>Workyears</u>	<u>Amount</u>
Information and Records Management	\$4,800

Contractual Records Operations to San Francisco and New York (\$4,800,000)--

A total of \$4,800,000 is requested to continue the local office contract records pilot in FY 1998 at the San Francisco and New York offices. This will permit INS to have contract records operations in all five key naturalization sites. Contractors augment existing records staffing to improve operations and reduce or minimize records processing backlogs. This would provide relief to these large Districts while INS awaits the completion of the records re-engineering study and the transition to centralized records.

CLAIMS Naturalization Case Processing Support

	<u>Positions</u>	<u>Workyears</u>	<u>Amount</u>
Data and Communications	\$4,210

CLAIMS Naturalization Case Processing Support (\$4,210,000)--

A total of \$4,210,000 is requested to provide naturalization case support to the Service Centers by modifying CLAIMS. Re-engineering the naturalization process has been and continues to be an INS objective. INS has developed a naturalization module (NATS) within the CLAIMS environment that is ready to be deployed to a Service Center. This new system will improve naturalization case scheduling and processing. The JMD Management Report on Service Centers supports this initiative by requesting that INS provide the Service Centers with an effective systems solution that will modify CLAIMS to handle naturalization cases. The request provides hardware, software enhancements, staff training, and contractor support for NATS in two of the four Service Centers.

CLAIMS Case Scheduling Development

	Positions	Workyears	Amount
Data and Communications	\$1,000

CLAIMS Case Scheduling Development (\$1,000,000)--

A total of \$1,000,000 is requested to expand the case scheduling functions now available in CLAIMS at the Service Centers. All cases supported by CLAIMS could potentially be supported by this function. In tandem with Direct Mail, CLAIMS must be able to provide support to cases requiring interviews, specifically adjustment of status cases. With this enhancement, chronological scheduling and development of interview profiles could be accomplished electronically.

Professionalism Initiative
Immigration Examinations Fee Account
(Dollars in Thousands)

	Positions	Workyears	Amount
Management and Administration	11	5	\$5,008

Proposed Actions

These resources will be used to build and maintain INS' infrastructure base and provide sufficient support to maximize the efficiency and effectiveness of the workforce. The Statistical Analysis Program includes data on immigrants, refugees, temporary visitors (nonimmigrant), naturalization, and productivity and management statistics relating to INS mission programs. Additional resources are required in order for INS to submit congressionally mandated reports on schedule and to develop new regular and special reports for internal and external customers to meet the need for data and analysis on immigration. With present staffing levels, INS has not been able to meet current requirements.

An increase of 11 positions, 5 workyears and \$5,008,000 is requested for the Statistical Analysis Program in the Examinations Fee account. Note, an additional increase of 4 positions, 2 workyears and \$2,000,000 is also being requested for the Statistical Analysis Program in the User Fee account. The resources will allow INS to keep up with an increasing workload and expand the quantity and quality of professional analytical services provided to other program within INS and to external audiences. The increased demand for information on all these topics for management purposes, and especially from Congress, GAO, and the general public, has placed greater emphasis on INS statistical activities, including improvements in the timeliness, accuracy, usefulness, and frequency of reporting of the captured data. Without the funding increase, INS will be unable to meet its reporting mandates as stipulated in the Immigration Reform and Control Act of 1986 (IRCA) and the Immigration Act of 1990, and will be unable to successfully meet the demand for performance measurement data for the Government Performance and Results Act (GPRA) and the reinventing government initiative. The request will enable the Office of Policy and Planning to properly carry out data analyses responsibilities and conduct evaluations of operational requirements for various programs for INS, with which it is currently tasked.

Major immigration related bills in the past decade have increased the statistical reporting requirements significantly. IRCA established the requirement for the Triennial Report, a comprehensive recurring report on immigration impacts, as well as many smaller reports on IRCA implementation. The Immigration Act of 1990 mandated the creation of a "Statistical Information System" and annually reporting "useful in evaluating the social, economic, environmental, and demographic impact of immigration laws." It also created the Commission on Immigration Reform and tasked it with analysis of many aspects of immigration for which INS is the only source of data. The Statistical program has the responsibility of providing data for performance measurement and analysis as required by the Chief Financial Officer's Act of 1990 and the GPRA of 1993. The welfare reform and immigration legislation of 1996 contain additional reporting requirements on immigrant sponsors, nonimmigrants, removals, detainees, parolees, and others. Timely and accurate data, and a staff capable of analyzing it, are needed for strategic planning. In brief, responsible management of INS resources and responsibilities rests on good organizational performance data.

These additional resources will also allow INS to institute work sampling to measure efficiency, effectiveness, and progress toward mission goals. The growing importance of immigration in domestic policy will require INS to play a leadership role within the Executive Branch with regard to providing the information needed to develop and implement policy and legislation.

GENERAL GOAL #4: INS Benefits and Service - INS will deliver services in a manner which shows we highly value our public. Services will be timely, consistent, fair, and of high quality.									
Element #1: Adjudications and Naturalization Application Processing									
PERFORMANCE INDICATORS INFORMATION									
Type of Indicator	1993 Actual	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target			
Input									
Adjudication- Examiner/Officer - (FTEs in Hours)	2,356,017	2,406,760	2,401,032	3,292,215	2,460,671	2,460,671			
Adjudication-Clerks (FTEs in Hours)	1,830,909	1,611,237	1,561,211	1,017,014	1,923,373	1,923,373			
Overtime - Hours	138,550	82,267	774,670	666,136	257,060	227,677			
Total Number of Receipts (Applications):	4,507,586	4,152,062	5,413,466	5,391,763	5,038,234	4,717,786			
Family Services	879,133	808,240	887,820	872,109	898,577	928,000			
Business & Trade Services	841,550	837,942	895,687	822,413	812,826	804,326			
Resident & Status Services	2,217,352	1,900,512	2,494,587	2,408,375	2,296,116	2,117,530			
Naturalization & Citizenship Services	569,551	605,368	1,135,872	1,288,866	1,030,715	867,930			
Output/ Activity									
Total Number of Benefits - Completions:	4,290,897	3,925,028	4,332,258	5,555,108	5,015,071	4,638,611			
Family Services	976,968	760,273	816,274	926,328	885,218	911,775			
Business & Trade Services	844,062	881,887	852,448	878,666	825,281	817,028			
Resident & Status Services	2,042,485	1,778,941	2,109,303	2,358,539	2,130,964	1,960,486			
Naturalization & Citizenship Services	427,382	503,922	554,233	1,192,575	1,173,608	949,322			
Intermediate Outcome									
End Outcome									
Application Processing Times: (In days)									
Family Services	40.22	101.70	120	109	137	139			
Business & Trade Services	18.16	17.50	22	19	33	27			
Resident & Status Services	42.57	81.79	104	92	159	202			
Naturalization & Citizenship Services	252.68	251.79	546	196	160	167			
Productivity/ Efficiency									
Production Rate (Total Completions/Total Hours Paid)	.99	.96	1.02	.80	1.08	1.01			

<p>A. Definitions of Terms or Explanations for Indicators:</p> <p>Input - The number of FTE as measured by NFC payroll records at a specific point in time converted to hours.</p> <p>Output - The number of completions as reported by the Performance Analysis System (PAS).</p> <p>End Outcome - The application processing times is computed by dividing the End Pending by the number of Completions multiplied by 365 (days in year) and indicates INS' ability to not only maintain pace with incoming applications, but to work into pending (backlogged) workload.</p> <p>Productivity/Efficiency - Are determined by the dividing the total completions by the total paid hours, which represent the relative completions accomplished per hour.</p>	<p>B. Factors Affecting FY 1995 and 1996 Program Performance</p> <p>During FY 1995, there was a significant increase in application receipts as compared to previous fiscal years, particularly in adjustment of status and naturalization applications, due to the Section 245(j) Provision and the legislative environment regarding entitlements and benefits to non-citizens. By the time INS could respond with reinforcements (additional personnel) in the field offices and service centers to accommodate the higher level of workload, INS had fallen further behind in processing. (The FY 1995 Exams Reprogramming did not become effective until June 7, 1995). FY 1995 was a transitional year for the Adjudications and Naturalization Program, whereby the level of services was enhanced not only to meet the challenges of processing the expected continued strong flow of benefit applications in FY 1996 and FY 1997, but to also regain control of and reduce pending (backlogged) case levels.</p> <p>Also due to steadily increased number of application receipts, a FY 1996 Exams Reprogramming request was generated during the first quarter of FY 1996, and was enacted January 16, 1996. The additional funds are being used to hire contract and temporary employees to manage the increased naturalization and adjustment of status workload. In addition, INS is reexamining the entire naturalization process to determine where re-engineering concepts could permanently improve the procedure for both the applicant and the agency.</p>	<p>C. Factors Affecting Selection of FY 1996, 1997 and 1998 Targets.</p>
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INS is in the process of developing plans and pilot projects to re-engineer the naturalization process, and to reduce the naturalization backlog, which involves processes and procedures new to INS. Because these initiatives are primarily either pilots or temporary ventures, these measures will not necessarily be applicable in the long term. INS chooses to track them in FY 1996 and FY 1997 to measure the successes or gains from these initiatives.

Investigation and Identification Services
Examinations Fee Account
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Adjudication & Identification		International Affairs		Training		Data & Communications		Information & Records		Construction & Engineering		Subtotal Service	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
Order														
03-15														
03-14														
03-13														
03-12														
03-11														
03-9	50	1,990											50	1,990
03-7														
03-6														
03-5									10	217			10	217
03-4														
03-3														
Total Positions & Annual Rate	50	1,990							10	217			60	2,207
Lapse (-)	(25)	(995)							(5)	(108)			(30)	(1,103)
Other item permitted														
Other personnel compensation														
Total workyears and personnel compensation	25	995							5	109			30	1,104
Personnel benefits		299								33				332
Total Personnel Compensation		1,294								142				1,436
Travel & transportation of persons		472								95				567
OSA Rent		41								8				49
Contract/Utility/Miscellaneous		4,039								19,496				43,942
Other Services		42								122				164
Supplies and Materials		69								122				191
Telephone														
Postage														
Land & structures														
Total program WY & obligations charges requested, FY98	25	8,487							5	19,841			30	48,489

Immigration and Naturalization Service
Examinations Fee Account

Financial Analysis - Program Changes
(Dollars in thousands)

Item	Professionalism		Management & Administration	
		Poe	Amount	
Grades				
GS-15	...	4	\$268	
GS-14	...	7	398	
GS-13	...			
GS-12	...			
GS-11	...			
GS-9	...			
GS-7	...			
GS-6	...			
GS-5	...			
GS-4	...			
Total Positions & Annual Rate	11	666		
Leaves (1)	(8)	(372)		
Other than permanent				
Other personnel compensation				
Total workyears and personnel	5	294		
Compensation		100		
Personnel Benefits		8		
Travel & transportation of persons		104		
GSA Rent		9		
Comm/Utilities/Miscellaneous		4,350		
Other Services		9		
Supplies and Materials		134		
Equipment				
Land & structures				
Total program WY & obligations	5	5,008		
changes requested, 1998				

Immigration and Naturalization Service
 Immigration Examinations Fee
 Priority Ranking
 Fiscal Year 1988

Program	Base Program Ranking	Program	Program Increases Ranking
Adjudications & Naturalization	1	Improve Services and Benefits	1
Inspections	2	Professionalism	2
International Affairs	3		
Information & Records Mgmt	4		
Data & Communications	5		
Legal Proceedings	6		
Investigations	7		
Intelligence	8		
Management & Administration	9		
Training	10		
Construction & Engineering	11		

Immigration and Naturalization Service
Immigration Examinations Fee
Detail of Permanent Positions by Category
Fiscal Years 1998 - 1998

Category	1998		1997		1998	
	Auth.	43	Auth.	43	Base	Request
Attorneys (905)	43	43	43	43	43	43
Asylum Officer (930)	154	377	377	377	377	377
Paralegal Specialist (950)	4	4	4	4	4	4
Other Legal and Kindred (900-999)	495	495	495	495	495	495
Contact Representative (982)	323	323	323	323	323	323
General Enforcement & Support (1800-1899)	883	948	948	948	948	988
Criminal Investigators (1811)	94	94	94	94	94	94
Immigration Inspectors (1816)	428	427	427	427	427	427
Adjudications Officer (1801)	1,090	1,179	1,179	1,179	1,179	1,179
Other Miscellaneous Occupations (001-099)	4	4	4	4	4	4
Social Sciences, Economics and Kindred (100-199)	7	7	7	7	7	7
Personnel Management (200-299)	32	41	41	41	41	41
General Administrative and Clerical (300-399)	1,076	1,012	1,012	1,012	1,012	1,022
Accounting and Budget (500-599)	37	38	38	38	38	38
Information and Arts Group (1000-1099)	5	5	5	5	5	5
Business and Industry Group (1100-1199)	13	15	15	15	15	15
Physical Sciences Group (1300-1399)	2	2	2	2	2	2
Mathematics and Statistics Group (1500-1599)	2	2	2	2	2	2
Education Group (1700-1799)	16	16	16	16	16	16
Supply Group (2000-2099)	11	12	12	12	12	12
Other (WG)	4	4	4	4	4	4
Total	4,723	5,068	5,068	5,068	5,068	5,139
Washington	201	208	208	208	208	219
U.S. Field	4,443	4,781	4,781	4,781	4,781	4,841
Foreign Field	78	79	79	79	79	79
Total	4,723	5,068	5,068	5,068	5,068	5,139

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Agents and/or Attorneys and Support Positions
FY 1997-1998

Decision Unit	1997 Appropriation Anticipated				1998 Changes				1998 Request Level			
	Agents Pos FTE	Attorneys Pos FTE	Support Pos FTE	Total Pos FTE	Agents Pos FTE	Attorneys Pos FTE	Support Pos FTE	Total Pos FTE	Agents Pos FTE	Attorneys Pos FTE	Support Pos FTE	Total Pos FTE
Inspection	427	317	...	427 317	88	...	...	88	427	405	...	427 405
Border Patrol	...	...	...	...	...	...	...	...	...	...	...	...
Investigations	94	93	...	94 93	-1	...	...	-1	94	92	...	94 92
Detention & Deportation	...	...	...	...	...	...	...	...	...	...	...	...
Intelligence	...	...	14 11	14 11	...	...	2	2	...	...	...	...
Adjudications & Naturalization	...	...	2,816 3,104 2,818 3,104	...	...	...	50 122	50 122	...	...	14 13	14 13
International Affairs	...	...	803 656	803 656	...	...	100	100	...	...	2,808 3,226 2,808 3,226	...
Training	...	...	24 27	24 27	...	...	-2	-2	...	...	803 756	803 756
Data & Comm. Systems	...	...	72 57	72 57	...	...	13	13	...	...	24 25	24 25
Information & Records Mgmt.	...	...	624 534	624 534	...	...	10 262	10 262	...	...	72 70	72 70
Consul & Engineering	...	...	2 2	2 2	...	...	...	...	...	...	634 786	634 786
Legal Proceedings	...	...	43 32	43 32	...	...	3	3	...	...	2 2	2 2
Management & Administration	...	...	136 102	136 102	...	...	11 47	11 47	...	...	43 44	43 44
Total	521	410	43 32	5,004 4,991 5,004 4,991	87	12	71 547	71 547	521	487	43 44	5,138 5,138

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1997 Appropriation Anticipated.....	5,068	4,933	\$524,785
Annualization of 1997 reprogrammings.....	...	-477	-36,792
Adjustments to base:			
Increases:			
Annualization of 1997 enhancements.....	...	...	-5,773
1998 Pay Raise.....	...	...	5,021
Annualization of 1997 pay raise.....	...	...	1,924
Within-grade Increases (W/G).....	...	...	1,957
Foreign Allowance.....	...	...	15
Accident Compensation.....	...	...	76
ICASS Increase for Staffing.....	...	...	408
General pricing level adjustments.....	...	...	3,802
Restoration of FY 1996 FTE Reduction.....	...	1,088	..
Total, mandatory increases.....	...	1,088	7,430
1998 Base.....	5,068	5,544	595,423
Program Changes.....	71	35	51,493
1998 Estimate.....	5,139	5,579	646,916

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**Immigration and Naturalization Service
Immigration Examinations Fee
Justification of Adjustments to Base
(Dollars in thousands)**

	Pos.	Work- year	Amount
Adjustments to Base:			
Annualization of 1997 reprogrammings	...	-477	-36,792
This decrease reflects a reduction for the non-recurring costs included in the FY 1997 reprogrammings.			
Increases:			
Annualization of 1997 enhancements	-5,773
This decrease reflects a reduction for non-recurring temporary staffing efforts for Citizenship USA and 245(i) processing. The reduction includes \$5,430,000 for salaries and benefits and \$343,000 for general expenses.			
1998 pay raise	\$5,021
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the Preliminary Pay Raise Guidance for 1998 Budget Submissions, August 1, 1996. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$5,021,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$3,719,000 for pay and \$1,302,000 for benefits = \$5,021,000).			
Annualization of 1997 pay raise	1,924
This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent plus appropriate personnel benefits (\$1,425,000 for compensation and \$499,000 for benefits).			

1,957

Within-grade increases
 This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$1,450,000 for pay and \$507,000 for benefits.

	Approved 1997 Increases	Annualization Required
Annual salary rate of temporary positions	19,627	-5,430
Other personnel compensation		
Less lapse (50%)	-14,197	
Net Compensation	5,430	
Associated employee benefits		
Other (non-personnel)		
Travel		
Transportation of Things		
GSA Rent		
Communications/Utilities	17,227	
Printing/Reproduction		
Other Services		
Supplies/Materials	343	-343
Equipment		
Total costs subject to annualization	23,000	-5,773

Foreign allowances .....	...	...	15
Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$15,000 provides a 1.7 percent increase over the obligations of \$882,353 which are committed for 1996.			
Accident compensation .....	...	...	76
This increase reflects the billing provided by the Department of Labor for the actual costs in 1996 of employees' accident compensation, which will be billed in 1998. The 1998 increased cost will be \$76,000.			
ICASS Increase for Staffing .....	...	...	408
Under the ICASS an annual charge will be made by the DOS for administrative support based on the number of overseas staff for each Federal agency. Because the law enforcement operations of the Department of Justice have increasing international demands, additional overseas staffing since 1995 will result in increased ICASS costs in 1998. Based on the additional overseas staffing, DOS has provided an increased cost estimate of \$408,000 for this account in 1998.			
General pricing level adjustments .....	...	...	3,802
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.8 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			
Restoration of FY 1996 FTE Reduction .....	...	1,088	...
In FY 1996, this account absorbed a reduction of 784 FTE over the FY 1996-1997 time frame. An analysis of the workyears required by this account indicates a total of 1,088 FTE are required to be added in FY 1998.			
Total, adjustments to base .....	...	611	-29,362

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Requirements by Object Class
(Dollars in thousands)

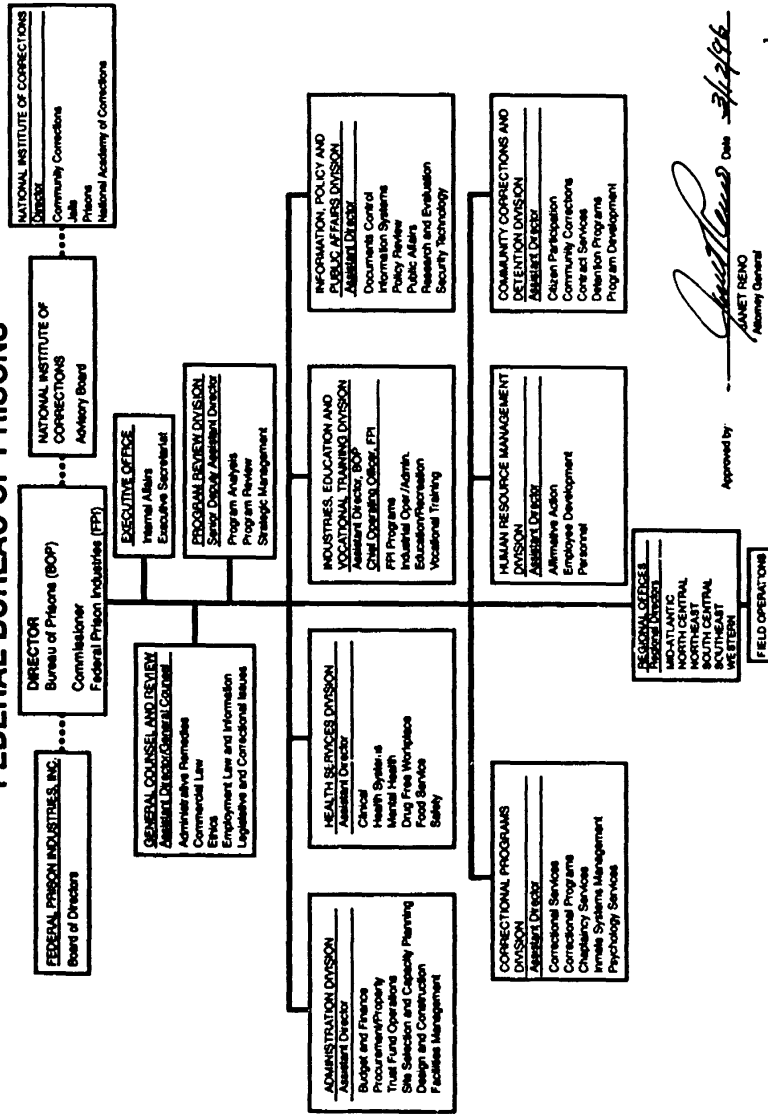
Object Class	1966 Actual Workyears Amount	1967 Estimate Workyears Amount	1968 Request Workyears Amount	Increase/Decrease Workyears Amount		
11.1 Full-time permanent.....	3,644	\$140,016	4,001	\$179,494	814	\$9,499
11.3 Other than permanent.....	733	17,728	932	27,291	784	10,031
11.5 Other personnel compensation.....	324	19,938	325	25,272	325	22,744
11.8 Social personnel services payments.....	4	4	90	90	86	-2,528
Total, workyears and personnel compensation.....	4,701	177,686	5,258	232,147	557	11,269
12.1 Personnel benefits.....	4,170	69,208	4,891	68,891	721	-317
13.0 Benefits to former personnel.....	491	498	498	498	7	0
21.0 Travel and transportation of persons.....	6,987	5,357	5,394	5,394	27	237
22.0 Transportation of things.....	1,413	1,815	1,857	1,857	42	42
23.1 GSA rent.....	27,083	43,947	40,230	40,230	-3,717	-3,717
23.2 Rental payments to others.....	731	1,682	1,785	1,785	123	123
23.3 Comm., utilities and misc. charges.....	9,783	8,087	8,225	8,225	138	138
24.0 Printing and reproduction.....	6,237	2,745	2,811	2,811	63	63
25.0 Other services.....	201,897	233,842	271,308	271,308	37,464	37,464
26.0 Supplies and materials.....	20,014	5,679	5,708	5,708	27	27
31.0 Equipment.....	18,181	19,395	18,755	18,755	-440	-440
41.0 Grants.....	8,982	10	10	10	0	0
32.0 Land and structures.....	436	10	10	10	0	0
42.0 Insurance claims and indemnities.....	1	399	399	399	398	398
44.0 Refunds.....	588	588	588	588	0	0
91.0 Unvouchered.....	588	588	588	588	0	0
Obligations from fees.....	4,701	521,664	5,004	648,316	303	126,652

Department of Justice
Federal Prison System
Salaries and Expenses
Estimates for Fiscal Year 1978

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FEDERAL BUREAU OF PRISONS



Electronic Freedom of Information (1996 Amendments)

For FY 1996, consistent with the additional requirements, BOP is requesting a total of \$1,452,000, 37 positions and 19 workyears to meet the newly passed Electronic Freedom of Information Act Amendments of 1996. This action amends Section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to allow public access to information in an electronic format, and impose new requirements related to the processing of requests submitted under the Freedom of Information and Privacy Act.

Federal Prison System
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.]

Salaries and Expenses	834	599
For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase of land to exceed \$350,000, of which \$272,825 for replacement of land for the Federal Prison System, for the purchase of vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments; (\$2,768,316,000):		
Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief or treatment of prisoners of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claim processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That uniforms may be purchased without regard to the Federal Acquisition Regulation (FAR) for the FPS, and that the amount of such purchases shall not exceed \$4,000,000 for the representation expenses: Provided further, That not to exceed \$90,000,000 for the activation of new facilities shall remain available until September 30, (1998):		
Provided further, That of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance of the actual costs of the program, and that the amounts shall be expended by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for a term of not to exceed 3 years and additional option years for the confinement of prisoners of the Federal Prison System (FPS) in the United States of America: Provided further, That the salaries and expenses budget of the Federal Corrections hereafter shall be included in the FPS Salaries and Expenses budget in the Contract Confinement program and shall continue to perform its current functions under 18 U.S.C. 4351, et seq., with the exception of its grant program and shall collect reimbursement for services whenever possible: Provided further, That any unexpended balances available to the National Institute of Corrections' account shall be credited to and merged with this appropriation, to remain available until expended.		
(18 U.S.C. 3059, 3653, 4001, 4002, 4007, 4008, 4013, 4041, 4042, 4081, 4082, 4353, 4381, 4351-4353, 5035; Department of Justice Appropriations Act, 1997)		

Expiration of Changes:

1. The Federal Prison System is requesting changes in the ceilings for new and replacement automobile purchases. In support of the 1998 budget request, the Federal Prison System would require a total authority for purchase of not to exceed 834 motor vehicles of which 599 are for replacement only.

Federal Prison System
Salaries and Expenses
Crosswalk of 1997 Changes
(Dollars in thousands)

Activity/Program	1997 President's Budget Request			Congressional Actions on 1997 Request ²			Reprogrammings ⁴			1997 as Enacted		
	Pos	WY ¹	Amount	Pos	WY ²	Amount	Pos	WY	Amount	Pos	WY ³	Amount
Direct												
Inmate Care and Programs												
Inmate Care	4,843	3,772	\$608,785	60	(73)	(\$23,459)	162	53	(\$37,925)	5,065	3,752	\$627,401
Inmate Programs	6,482	5,764	407,980	134	76	(9,457)	242	536	17,533	6,838	6,376	416,056
Subtotal	11,325	9,536	1,096,765	194	3	(32,916)	404	589	(20,392)	11,923	10,128	1,043,457
Institution Security and Administration												
Institution Security	12,609	11,718	633,424	203	64	(15,214)	(39)	(13)	1,009	12,773	11,769	639,219
Institution Maintenance	2,418	2,173	276,044	31	16	(6,726)	21	75	27,190	2,470	2,264	296,506
Institution Administration	3,829	3,601	371,077	56	19	(12,923)	(428)	(840)	264	3,437	2,960	338,418
Staff Training	424	377	52,479	4	2	(1,464)	(45)	(33)	29	363	346	51,044
Subtotal	19,280	17,869	1,353,024	294	101	(36,329)	(491)	(611)	28,492	19,083	17,359	1,345,187
Contract Confinement	317	305	309,690	(20)	(13)	(50,755)	(10)	(6)	(10,600)	287	287	248,335
Management and Administration	1,167	1,237	128,837	0	0	0	97	27	2,500	1,264	1,264	131,337
TOTAL	32,089	28,947	2,886,316	468	91	(120,000)	0	0	0	32,537	29,038	2,768,316

¹ Excludes 127 reimbursable workyears

² Excludes 136 reimbursable workyears

³ Congressional action reduced the funding level by \$120 million to adjust for delayed activations (\$30 million) and applied \$80 million in carryover funding in addition, positions and workyears were provided for facilities previously marked for privatization (Seattle and Elkhon)

⁴ Reprogramming includes costs associated with disturbances and a realignment between decision units to reflect actual needs

Federal Prison System

Salaries and Expenses

Summary of Requirements
(Dollars in thousands)

Adjustments to Base	Pos	WY	Amount
1997 as Enacted	32,557	29,038	\$2,768,316
Increases, (Automatic, non-policy)	593	2,133	190,874
1998 base	33,150	31,171	2,959,190
Program Changes	459	97	6,452
1998 Estimate	33,609	31,268	2,965,642

	1997 Enacted			1998 Base			1998 Estimate			Increase/Decrease		
	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount
Estimates by Budget Activity												
1 Inmate care and Programs	11,923	10,128	\$1,043,457	12,133	11,046	\$1,125,170	12,232	11,065	\$1,126,314	119	19	\$1,144
2 Institution Security and Administration	19,083	17,359	1,345,187	19,466	18,574	1,446,838	19,784	18,640	1,451,066	318	66	4,228
3 Contract confinement	287	287	248,335	287	287	252,583	287	287	252,583	0	0	0
8 Management and Administration	1,264	1,264	131,337	1,264	1,264	134,599	1,286	1,276	135,679	22	12	1,080
Total	32,557	29,038	2,768,316	33,150	31,171	2,959,190	33,609	31,268	2,965,642	459	97	6,452

Federal Prison System
Salaries and Expenses
Summary of Resources by Program
(Dollars in thousands)

Direct Expenditures by Decision Unit	1988 As Enacted			1988 Actual			1987 Enacted			1988 Base			1988 Estimate			Increase/Decrease		
	Perm. Est.	NY Est.	Amount	Perm. Est.	NY Est.	Amount	Perm. Est.	NY Est.	Amount	Perm. Est.	NY Est.	Amount	Perm. Est.	NY Est.	Amount	Perm. Est.	NY Est.	Amount
Inmate Care & Programs	12,410	8,564	\$983,337	10,814	8,859	\$800,484	11,923	10,128	\$1,043,657	12,133	11,048	\$1,125,170	12,292	11,068	\$1,128,314	119	19	\$1,144
Institution Security and Administration	14,335	16,542	1,197,646	17,844	15,883	1,210,249	18,083	17,339	1,345,187	18,408	18,574	1,448,638	18,784	18,840	1,451,068	318	66	4,228
Control of confinement	287	287	277,831	287	256	188,870	287	287	248,335	287	287	258,543	287	287	252,543	0	0	0
Management and Administration	1,187	1,337	124,495	1,264	1,208	118,829	1,264	1,264	131,337	1,264	1,264	134,586	1,268	1,276	138,878	22	12	1,060
Total	38,209	26,625	2,333,405	38,208	26,308	2,418,242	32,553	28,038	2,768,316	33,150	31,171	2,898,180	33,809	31,268	2,863,642	459	87	6,432
Reimbursable workers	127			127			138			138			138					
Total worker's ceiling	28,817			28,436			28,174			31,307			31,404					
Other Workers																		
Holiday	580			582			582			639			639					
Overtime	586			516			591			636			636					
Total compensable workers	27,845			27,844			30,347			32,574			32,671					

Federal Prison System
Salaries and expenses
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Collections by Source	1996 Actual		1997 Estimate		1998 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
States.....	127	127	136	\$9,921	136	\$10,200	0	0
Staff Housing Rental.....	0	0	0	3,600	0	3,672	0	0
Federal Prison Industries.....	0	0	0	1,327	0	1,364	0	0
Meal Tickets.....	0	0	0	879	0	919	0	0
Farm Property.....	0	0	0	180	0	184	0	0
NI/C.....	0	0	0	275	0	420	0	0
Recycling.....	0	0	0	45	0	46	0	0
DOJ.....	0	0	0	0	0	1,938	0	0
Total.....	127	127	136	18,227	136	18,381	0	0
						18,759		368

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Federal Prison System
Salaries and Expenses
Program Performance Information

Mission: The Federal Bureau of Prisons (BOP) protects society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, and appropriately secure, and which provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

General Goals:

- 1) BOP will proactively manage its offender population to ensure safe and secure operations.
- 2) BOP will have a competent and representative workforce meeting the organization's needs up to and beyond the year 2000.
- 3) BOP will maintain its facilities in operationally sound conditions and in compliance with security, safety and environmental requirements.
- 4) BOP will manage its operations and resources in a competent and effective manner which encourages creativity and innovation in development of exemplary programs as well as excellence in maintaining the basics of correctional management. BOP continually strives toward improvements in its effective use of resources and its efficient delivery of services.
- 5) BOP provides services and programs to address inmate needs, providing productive use-of-time activities, and facilitating the successful reintegration of inmates into society, consistent with community expectations and standards.

- 6) BOP will continue to seek opportunities for expanding the involvement of community, and local, state, and Federal agencies, in improving the effectiveness of the services it provides to offenders and constituent agencies. The active participation by BOP staff to improve partnerships will allow the BOP to carry out its mission within the criminal justice system and to remain responsive to other agencies and the public. BOP will develop partnerships to focus the shared responsibility for the establishment of a supportive environment promoting the reintegration of offenders into the community.

Federal Prison System
Salaries and Expenses
Justification of Program and Performance
(Dollars in thousands)

ACTIVITY: INMATE CARE AND PROGRAMS

	Perm. Pos.	FTE	Amount (\$000)
1997 Enacted	11,923	10,128	\$1,043,457
1998 Base	12,133	11,046	1,125,170
1998 Estimate	12,252	11,065	1,126,314
Increase/Decrease	119	19	1,144

BASE PROGRAM DESCRIPTION:

The purpose of Inmate Care is to provide offenders incarcerated in BOP with a nutritional diet; adequate health care services; clean clothing, footwear, linens; toiletries and stationery; and to properly manage the Inmate Trust Fund. The purpose of Inmate Programs is to improve inmate self-control and establish healthy relationships between staff and inmates by dividing the large institution population into smaller, more manageable groups. A team of multi-disciplinary staff who have administrative and supervisory authority in most institutional aspects of programming and living are permanently assigned and located in the unit to work with the inmates. This places services closer to the users and permits decision-making by those who are most knowledgeable of the inmates and their programs. The increased interaction between inmates and staff enhances communication and understanding of inmate needs to a level not possible in a centralized correctional environment.

Inmate programs include general and occupational education programs, psychology services, religious and leisure time activities. General education programs are designed to meet specific inmate needs for functional literacy, high school equivalency, continuing education, and personal growth. There are seven major components of the general education program: Literacy, Adult Continuing

Education, English as a Second Language, Structured Leisure Activities (e.g. Physical Fitness and Health Education), Guidance and Counseling, Secondary and Advanced Occupational Education, and Life Skills.

The BOP provides daily meals which are certified for nutritional adequacy by registered dietitians and meet the Recommended Dietary Allowances established by the Food and Nutrition Board Commission of Life Sciences, National Research Council. Meal preparation is accomplished primarily by inmate workers (about 12 percent of the population) under the supervision of staff. The United States Penitentiary at Lompoc, California and the Federal Correctional Institution at El Reno, Oklahoma utilize available land resources in limited production of beef and milk. Farm products are consumed at the producing institutions and are also shipped to nearby institutions to offset their need to purchase some products on the open market.

Medical services are provided by a variety of professional and para-professional health care personnel including physicians, dentists, nurses, pharmacists, and physician assistants. Within 14 days of admission, all newly sentenced inmates receive a complete physical, mental health, and dental examination. Sick call, which includes examination of patient complaints, ordering and assessment of diagnostic tests, and a medical treatment plan is conducted five days a week. Medical emergencies during other than normal working hours or on weekends and holidays are handled on an on-call basis. If an inmate has a health condition which is beyond the professional capability of an institution's medical staff, the inmate is referred to a contract physician, a hospital in the community, or one of BOP's medical referral centers.

The Medical Center for Federal Prisoners (MCFP) at Springfield, Missouri is the major medical referral center for the Federal Prison System. There are five additional regional medical centers within the BOP health care delivery system. The Federal Medical Center (FMC), Rochester, Minnesota accepts referrals of both male and female specialty medical, surgical and psychiatric cases nationwide. The Federal Correctional Institution (FCI), Butner, North Carolina provides for male psychiatric cases. FMC, Lexington, Kentucky is a chronic disease and long-term care institution for male inmates. FMC, Carswell, Texas handles female medical, surgical and psychiatric cases nationwide. Also, selected chronic (disabled, handicapped, geriatric) female cases will be referred to Carswell on a nationwide basis.

Finally, FMC, Fort Worth, Texas accepts referrals for male inmates with chronic disease and in need of long-term care.

The U.S. Public Health Service continues to provide personnel in support of the BOP medical program. In addition to providing 16-hour or 24-hour medical coverage at all institutions, all major medical facilities have accreditation by the Joint Commission on Accreditation of Healthcare Organizations. Medical, surgical, and rehabilitative services not available in BOP medical facilities are provided to inmates through contract arrangements with community hospitals and/or governmental health facilities. Increasing numbers of federal inmates are requiring medical care, primarily as a result of the population explosion, general aging of the population, and the increased numbers of inmates with a history of drug abuse. The incidents with HIV/AIDS and Infectious Diseases has remained stable throughout the bureau population. However, new treatment protocol are becoming more complex and expensive. For example, HIV/AIDS patients are now treated with two or more drugs simultaneously.

BOP maintains an inventory of clothing, footwear, toiletries, linens, and writing supplies for issue to all inmates during incarceration. Clean clothing and linens are issued weekly in exchange for clothing and linens to be laundered. A laundry operation is maintained to clean all clothing and linens. All services are performed with inmate labor under staff supervision.

BOP manages an Inmate Trust Fund account for all monies on deposit for each inmate. Monthly inmate earnings received for work with Federal Prison Industries, performance pay, and money from family or friends are deposited directly to each inmate's account. BOP continues a successful record with the Inmate Financial Responsibility Program for court-imposed fines, fees, and their legitimate financial obligations by developing a financial plan which considers both outside assets and inmate earning capabilities while incarcerated. At the end of FY 1996, BOP collected \$5,142,695 through inmate institution accounts. In addition, inmates can withdraw funds when needed to make purchases from the commissary, send money to family members, pay for legal services, or pay for supplies to participate in programs such as college courses.

BOP's Literacy Program is designed for the approximately 40 percent of Federal offenders who lack a high school diploma and consists of basic literacy and high school equivalency courses, and general equivalency examinations. All inmates, with few exceptions, are required to enroll if they do not have verification of a high school diploma or a GED equivalency. A mandatory involvement is required for 120 days. Adult Continuing Education courses are designed for inmates who have a desire to "brush up" in a special area or enroll in a special program, e.g., speed reading, English, mathematics, history, and foreign language. The Crime Control Act of 1990 requires all non-English speaking Federal prisoners to participate in an English as a Second Language program until they function at the equivalent of the eighth grade level. Advanced occupational education courses are for inmates who have successfully completed high school and want to further their preparation for post release employment, e.g., drafting, building maintenance, data processing, and dental technology. The Guidance and Counseling program assists inmates to focus on realistic planning and goal setting for work and related activities during their incarceration and after release.

Occupational education programs serve to enhance skills during incarceration and increase the employability of offenders upon release, particularly those who either lack solid employment history or a marketable skill. BOP has recently distributed new Post-Release Employment Project data, which support earlier findings that prison industries and vocational training programs decrease recidivism. The majority of Federal offenders are unskilled at the time of commitment to prison. Federal offenders can choose a vocation, through instruction, work experiences, and career orientation; acquire or improve productive work skills and habits; and gain practical knowledge essential to working and functioning in a complex industrial-technical world of work.

Chaplaincy personnel conduct religious services of their particular faith group and arrange for delivery of religious services of other faith groups to fulfill their role as correctional program providers. Chaplaincy staff play a positive role in inmate and religious groups management as they provide programs across the spectrum of faiths represented in the inmate population. Chaplains also train and sensitize staff regarding the variety of faiths that inmates practice.

Chaplains additionally provide guidance to the institution to comply with the Religious Freedom Restoration Act. A common fare diet is provided to meet the religious diet requirements of a variety of faith groups. BOP strictly follows the expectations of the Religious Freedom Restoration Act.

Approximately 375 contracts are issued annually for the delivery of services to smaller faith groups and for other related religious services. Chaplains also recruit, train, supervise, and sustain approximately 7,800 volunteers from the community who regularly visit the institution to participate in the religious programming. Approximately 69,000 religious worship services will be conducted in FY 1997 representing the various religious disciplines within the prisoner population. In addition to worship services, chaplaincy personnel offer a wide variety of non-worship religious program options.

Psychology staff are an integral part of correctional treatment as they administer programs of group and individual psychotherapy, crisis intervention, personal development classes, and staff consultation/training. BOP policy requires that every inmate admitted to a BOP facility be given an initial psychological screening which consists of psychological testing, psychological interviews, social history reviews, and behavioral observation. The purposes of the screening are to identify special treatment and/or referral needs; provide information useful in future crisis-counseling situations; identify strengths as well as potential adjustment problems to imprisonment; and discuss possible program needs with the inmates and provide information about them.

Both individual and group psychotherapy are available to inmates who express a desire and demonstrate the need for it. Training and orientation programs are also offered for developing "life competency skills" including communication, assertiveness, self-image, interpersonal relationships, conflict resolution, problem solution and work skills. Short-term crisis counseling has been acknowledged by mental health professionals as a powerful, viable skill, and BOP psychologists with expertise in this area have provided training and consultation to staff in institutions. BOP psychologists have traditionally provided the courts, parole officials and prison administrators with quality psychological evaluations. Leisure time activities, both structured and unstructured, reduce inmate idleness, enhance personal fitness and wellness, and promote positive life styles. The Life Skills component helps inmates develop a positive self-image and positive interaction skills, including parenting.

In response to the rapid growth in the Federal inmate population having drug abuse histories, BOP has developed a comprehensive drug abuse treatment strategy consisting of four components: drug abuse education, non-residential drug abuse counseling services, residential drug abuse program, and community-transitional services programming.

Participation in BOP's Drug Abuse Education Program is required for all inmates who have a judicial recommendation for treatment, an instant offense involving drugs and/or a violation of supervision involving drugs. The Drug Abuse Education component provides the inmate with specific instruction on the risks involved in drug using and abusing behaviors, presents strategies toward living a drug-free lifestyle, while introducing the inmate to the concepts of drug treatment and motivating the inmate to enter and participate in BOP's residential drug abuse treatment program.

Non-residential Drug Abuse Counseling Services consist of both group and individual therapy delivered through the psychological services department in each institution. These services offer flexibility and service delivery to those who do not meet the eligibility requirements for BOP's residential drug abuse treatment program. Non-residential treatment services are also provided for those inmates who have completed the residential treatment phase who remain in the institution, and who require aftercare treatment while awaiting release to the community.

The residential drug abuse program is designed for extended drug abuse treatment. Six-to-twelve-month residential programs are available in 37 institutions. The residential programs provide unit-based living with extensive assessment, treatment planning, and individual and group counseling. In late summer of FY 1996, BOP opened three residential programs at FPC Cumberland, MD, FCI Florence, CO, and FPC Texarkana, TX. In addition, a 16-bed "pilot program" for inmates with dual-disorders (substance abuse and mental health) at Lexington, KY, was recently implemented. Two existing programs at FPC Yankton, SD and FCI Rochester, MN have expanded their residential programs.

Community transition programs were originally developed for inmates who complete the residential drug abuse treatment program and are released to the community under BOP custody. This component of treatment is the most critical period for the inmate's adjustment back into society. Additionally, the community transition program now accepts inmates who have been identified as requiring

community treatment, as part of their community program plan while still in BOP custody, (i.e., Intensive Confinement Center inmates, inmates participating in the Electronic Monitoring program).

The residential programs maintained an average daily population of 4,000 inmates. Community drug transition programs served an average daily population of 1,500 by the close of FY 1996.

Residential Treatment Programs

FPC Talladega, AL
 FCI Phoenix, AZ
 FPC Boron, CA (1997)
 FCI Dublin, CA
 FPC Dublin, CA
 FCI Lompoc, CA
 USP Lompoc, CA
 FCI Terminal Island, CA
 FCI Englewood, CO*
 FCI Florence, CO
 FCI Danbury, CT
 FCC Coleman (low) (1997)
 FPC Eglin, FL (1997)
 FCI Marianna, FL
 FCI Tallahassee, FL
 USP Atlanta, GA
 USP Leavenworth, KS
 FMC Lexington, KY
 FPC Cumberland, MD
 FCI Rochester, MN

FCI Milan, MI
 FCI Fairton, NJ
 FCI Ft. Dix, NJ
 FCI Butner, NC
 FCI El Reno, OK
 FCI Sheridan, OR
 FPC Sheridan, OR
 FCI Allenwood, PA
 FCI McKean, PA
 FPC Yankton, SD
 FCI Seagoville, TX
 FCI Fort Worth, TX
 FCI Three Rivers, TX
 FCI LaTuna, TX
 FPC Bryan, TX
 FCI Bastrop, TX
 FPC Texarkana, TX
 FCI Beckley, WV (1997)
 FPC Beckley, WV (1997)
 FCI Morgantown, WV
 FPC Alderson, WV
 FCI Oxford, WI

*Englewood's Drug Treatment program is exclusively for Mariel Cubans with diagnosed drug problems and INS released decisions.
 NOTE: Chart reflects planned 1997 institutions.

ACTIVITY: INSTITUTION SECURITY AND ADMINISTRATION

	Perm. FTE	FTE	Amount (\$000)
1997 Enacted	19,083	17,359	\$1,345,187
1998 Base	19,466	18,574	1,446,838
1998 Estimate	19,784	18,640	1,451,066
Increase/Decrease	318	66	4,228

BASE PROGRAM DESCRIPTION:

All institutions are assigned a security classification based in part on the physical design of each facility. There are four security levels: minimum; low; medium; and high. Additionally, there is an administrative category for specialized populations such as pre-trial, medical, etc. A separate classification system for females has been developed based on extensive research which indicates that female offenders generally do not require the same degree of security as male offenders.

Offenders are assigned a custody status which relates to the degree of supervision needed and ensures that offenders are placed in the least restrictive and least expensive correctional environment appropriate to their custody and security level needs. Each inmate is tracked through the SENTRY Information System. The result is a grouping of offenders with similar custodial needs in an institution. This significantly reduces the mixing of aggressive and non-aggressive offenders.

Within each institution, correctional officers are assigned to security posts which are primarily established on the basis of structural/visual considerations. The two basic categories of security are perimeter security and internal security. Perimeter security consists of a walled or fenced perimeter, supplemented by staffed security towers, razor wire strung between a double fence, high mast lighting to illuminate the perimeter, motorized perimeter patrols and highly technical equipment such as alarm systems, and video surveillance. Entrances through the perimeter are controlled by a series of gates, both electrical and manual, supplemented by metal detection systems and search procedures for weapon and contraband control. For all practical

purposes, all other security measures, processes and activities can be called internal security, commencing when an inmate is committed and terminating upon his/her release.

Supervision of inmates is provided in living units, visiting areas, dining halls, and any other area where inmates may be located or have access. Regularly scheduled counts are conducted several times a day in all institutions to monitor the whereabouts of inmates. Work supervisors and program personnel are held strictly accountable for all inmates under their supervision.

Violations of institution regulations are dealt with through the Inmate Disciplinary Process. Correctional staff investigate the incident, prepare a report and submit it to the Unit Discipline Committee. Depending on the seriousness of the charge, the Unit Discipline Committee may hear and decide the case or refer it to the Discipline Hearing Officer for appropriate action. An administrative remedy process provides for appeals to decisions of the Committee.

The Administrative Detention program provides for the separation of offenders from the general population who require special protection and for those who pose a serious escape risk or threat to the security and orderly operation of the institution. The Disciplinary Segregation Program provides for segregation of offenders who have committed serious prohibited acts within the institutional setting. Inmates who have committed serious prohibited acts are held in segregation only after a due process hearing where the inmate is given the opportunity to rebut the charges.

The maintenance program meets the requirements for adequately maintaining and operating the physical plants of BOP. This program finances maintenance projects estimated to cost \$10,000 or less. Maintenance requirements in excess of \$10,000 are included in the Modernization and Repair Program of the Buildings and Facilities appropriation. Facilities vary in age from recently constructed to those 100 years old. One-third of the facilities are nearly 30 years old, which is the expected life of buildings without major upgrading and renovation. At the beginning of FY 1997, BOP facilities were situated on approximately 31,071 acres and contained approximately 37 million square feet of floor area, all of which must be maintained and furnished utility services. Complex heating and air conditioning systems, high pressure steam power plants, sophisticated hospital equipment, emergency electrical power systems and fire protection and

life safety systems all require regular maintenance. Each institution maintains communication systems including complete private automatic branch exchange telephone systems, radio systems including base station and mobile units and several electronic detection and control systems. Additionally for FY 1997, this program estimates providing for the maintenance and operation of approximately 2,853 vehicles. Physical plant requirements are identified through regular inspections conducted in the on-going preventive maintenance program; formal semi-annual inspections; and through requests for specific needs identified by institution staff members.

The work within this program is accomplished almost entirely by inmate crews under staff supervision. Each work crew consists of a staff foreman and five to fifteen inmates. Each institution must have highly skilled staff with experience and training in every phase of construction and maintenance work including steamfitting, air conditioning, mechanics and/or electronics repair. A few specific jobs are contracted out because special skills or equipment items are required, or because the work may be extremely dangerous. Examples of these jobs are elevator inspection and repair, radio frequency alignment, and water tower painting.

ACTIVITY: CONTRACT CONFINEMENT

	Perm. Pos.	FTE	Amount \$000)
1997 Enacted	287	287	\$248,315
1998 Base	287	287	252,593
1998 Estimate	287	287	252,593
Increase/Decrease	0	0	0

BASE PROGRAM DESCRIPTION:

Over 10 percent of the current BOP inmate population are housed in alternative confinement.

Certain categories of Federal offenders are designated for confinement in state, local and private facilities. These include: Persons committed under the Federal Juvenile Statutes, who must be separated from adult offenders and placed in community-based facilities near their residence whenever possible; adult offenders, whose lives might be endangered in Federal facilities (protection cases); and offenders with short sentences (generally three years or less) who are placed in local detention facilities (jails) for service of sentence. Also, BOP oversees the Joint BOP and INS 1,000 and 1500 for BOP prisoners and 500 for INS Detainees) private detention facility in Arizona.

Contract confinement is provided for those offenders who: the Federal courts determine need more than probation and less than full institution confinement and services; are under probation or parole supervision but need more intensive services and/or programs than can be provided under the "community" supervision of the U.S. Probation Officer, and; are committed directly from court generally serving short sentences

In addition, BOP contracts with State, local, and private community corrections centers for community residential bed space for offenders who are eligible and need a pre-release transition program at the end of their sentences before returning to the community. Since January 1982, BOP has increased the number of inmates monitored by contract CCCs from 1,425 to a current average daily population of 6,094

CCCs provide services to inmates attempting to establish themselves as fully functioning citizens while still under supervision. Available services include individual and group counseling, supervised living quarters, and employment assistance.

All Community Corrections Centers contain two program components, a Pre-Release Component for those offenders entering the community after serving a portion of their sentence in an institution and a Community Corrections Component, which is more punitive and restrictive for all other types of offenders.

Home Confinement is a program that permits an inmate to reside at his or her own home and work at gainful employment, or participate in an alternative correctional program while continuing in official custody of the BOP. Home Confinement is a selective program that is authorized discriminantly according to an offender's needs. It is a time of testing and an opportunity for a resident to assume increasing levels of personal responsibility. At the same time, it provides sufficient restriction on a resident's freedom to promote community safety and to continue the sanction of the sentence.

Community Corrections Managers (CCMs) develop contract resources and monitor contracts for the boarding of Federal offenders in State and local institutions and in private residential community corrections centers. CCMs also make recommendations for designation of newly sentenced offenders and are responsible for the placement of direct commitments to non-Federal facilities. They provide case management services to all Federal inmates placed in non-Federal institutions, and serve as technical consultants to contractors on BOP policy. In addition, CCMs serve as the BOP liaison with members of the U.S. Marshals Service, U.S. Probation Service, U.S. Parole Commission, Federal courts, other Federal agencies, State and local government agencies and local community agencies. As of December 1986, there were 29 Community Corrections field offices throughout the United States.

BOP has a National Office of Citizen Participation (NOCP) which engages community resources in the reintegration of offenders into the community through expansion of current institution volunteer programs as well as to tap into new-traditional services.

Maribel Cuban outplacement through BOP CCCs provides highly structured residential and community-based services for those whose needs and criminal histories dictate substantial support and intensive supervision in order for them to become self-sufficient. Outplacement through family sponsorship provides transitional assistance to individuals whose needs and criminal histories do not require intensive residential or community supervision.

The Institutional Hearing Program, a cooperative effort of the BOP, INS and EOIR, was established to enable INS and EOIR to complete deportation proceedings while criminal aliens are serving their sentences.

Also included in this decision unit is the National Institute of Corrections (NIC), the only Federal government correctional agency that provides comprehensive, technical assistance to State and local correctional agencies. NIC provides technical assistance either by a correctional consultant and/or an NIC staff member to the requesting agency, or an individual or team of individuals visits another agency to gain expertise and experience in the specific area of concern. The National Institute of Corrections Academy is the training division which provides training and related services for State and local correctional practitioners. By developing and delivering training to prison, jails and community corrections practitioners, the Academy enhances interaction among correctional agencies, other components of the criminal justice system, public policymakers, and concerned public and private organizations.

ACTIVITY: MANAGEMENT AND ADMINISTRATION

	Perm. Pos.	FTE	Amount (\$000)
1997 Enacted	1,264	1,264	\$331,337
1998 Base	1,264	1,264	334,599
1998 Estimate	1,286	1,276	335,679
Increase/Decrease	22	12	1,080

BASE PROGRAM DESCRIPTION:

This budget activity covers costs associated with general administration and provides funding for the central office, six regional offices, and three staff training centers. Included are oversight functions of the executive staff; and regional and central office program managers in the areas of: personnel management; equal employment opportunity; financial management; inmate systems management; safety; staff training; facilities management; procurement and property management; mail; printing and reproduction; space management; research and evaluation; program analysis; budget development; budget execution; policy development and implementation; systems support; ADP services; and legal services.

The Bureau of Prisons is managed from a Central Office in Washington, D.C., where the Director, Assistant Directors, and Assistant Director/General Counsel guide the agency's headquarters functions, and six regional offices, each of which is led by a Regional Director. The Executive Staff, which includes the Director, Assistant Directors, and Regional Directors meet every other month to review all major issues and determine policy for BOP. The management staff at each institution, including wardens, associate wardens, and executive assistants, provide overall direction and implement policies. Staff training is provided on site at each institution; at three training centers; through external training provided by the Office of Personnel Management, National Academy of Corrections; by other Federal agencies; by colleges/universities; and by private agencies.

BOP sets and enforces high standards of personal and professional conduct in its workforce. The Office of Internal Affairs reports to the Director and provides liaison and investigative assistance to the Department of Justice Office of the Inspector General (OIG) regarding allegations of waste, fraud, mismanagement, and improper activities on the part of agency employees.

The Office of General Counsel provides legal advice, assistance, and representation to officials of the Federal Bureau of Prisons and Federal Prison Industries in the areas of Commercial Law, Legislative and Correctional Issues, Litigation, Administrative Complaints, Ethics Legal Administration and Labor Law.

The Community Corrections and Detention Division has an instrumental role in the designation of new offenders to BOP and to non-BOP facilities; develops and manages contract residential resources that provide pre-release assistance for inmates who are nearing their eventual release date, an option to institutional confinement for certain short-term offenders, and a structured environment for certain probationers, parolees and supervised releasees who need more assistance and supervision than can be provided by community supervision. In addition, the Division develops and provides oversight to contract resources that provide secure confinement for all sentenced Federal juvenile offenders; long-term Federal inmates confined in non-Federal institutions, and detention of Federal offenders serving short sentences. The Division maintains working relationships with U. S. District Courts, U. S. Probation, U. S. Marshals Service, U. S. Parole Commission, U. S. Attorneys, State, and local government agencies for the purpose of processing offenders into and out of the Bureau of Prisons. This Division also provides inmate systems and case management services to offenders in non-BOP facilities, and provides technical assistance to State and local criminal justice agencies.

The Correctional Programs Division ensures a safe, secure institution environment for inmates and staff, and encourages inmate population activities and programs designed to eliminate idleness and instill a positive work ethic. The Division provides leadership and policy direction in five areas: Correctional Services, Correctional Programs, Psychology Services, Religious Services, and Inmate Systems Management.

The Correctional Services Branch has primary responsibility for security and custody issues. This includes oversight for emergency preparedness (to include Special Operations Response Teams), locksmith operations, inmate discipline, the urinalysis program, inmate transportation, and the intelligence gathering network. Additionally, this Branch is responsible for monitoring and revising all Program Statements applicable to the Correctional Services discipline and developing specifications for all contracts pertaining to weapons, chemical agents, and emergency equipment. This Branch continues to seek ways to reduce violence in BOP facilities by handling disturbances, minimizing drug introductions, operating and maintaining security posts within Federal institutions, and enhancing the intelligence network for the detection and prevention of security hazards and the commission of crimes on Federal property.

The Correctional Programs Branch is responsible for planning, documenting, monitoring, and providing the delivery of correctional programs and services to inmates. The Branch provides guidance, instruction, and technical support to field staff in the areas of Witness Security, the central inmate monitoring system, unit management issues and training, case management, policy development, Victim/Witness and Financial Responsibility Program, and population issues. This Branch ensures inmates are placed in an institution commensurate with their security and custody requirements and sets forth and implements individual pre-release planning for inmates' successful reintegration into the community through the implementation of policy.

The Correctional Programs Branch is also responsible for completing controlled correspondence assigned by the Executive Secretariat in addition to answering written and telephonic inquiries from the general public and other law enforcement agencies.

The Psychology Services Branch is responsible for planning and monitoring the delivery of psychology services, hostage negotiation training, the suicide prevention program, psychological evaluations for the community Witness Protection Program, the employee assistance program, and victims assistance training. In addition, the Branch is responsible for drug abuse treatment program initiatives through standardized drug education programs, comprehensive treatment programs, and institution transitional services programs.

Inmate Systems Management (ISM) ensures accurate computing of sentences, proper processing of inmates and property through receiving and discharge; provides

mail services; assures special care is taken to detect the introduction of contraband; and ensures that all inmates are released on the correct statutory release date. In addition, ISM provides paralegal services; interprets court orders; cause orders; determines sentence computation problems; interprets court orders; represents institutions in court matters pertaining to inmate records; provides expert testimony regarding sentence computation, and; maintains liaison with other law enforcement agencies and authorities regarding outstanding charges, detainees, and processing under the interstate agreement.

The Special Needs Offender Coordinator works with Bureau staff at all levels to ensure that female offenders, offenders with disabilities, and offenders with mental health concerns receive the programs and services afforded the rest of the inmate population.

The Chaplaincy Services Branch facilitates opportunities for Federal inmates to pursue their individual religious beliefs and practices, and extends this mission of pastoral care to institution staff members as their personal spiritual needs may require. This Branch has provided extensive educational materials to ensure that BOP provides provision for all faith groups in light of the Religious Freedom Restoration Act. As of January 9, 1997, there were approximately 210 Chaplains serving BOP's 86 institutions.

The Health Services Division has three missions: provision of sound medical care, safety and environmental health, and food services. The Health Care Branch ensures that essential medical, dental, and mental health services are provided to inmates by professional staff consistent with acceptable community standards. The Safety and Environmental Health Branch is responsible for a safe and healthful environment in which staff and inmates can work and live. The Food Service Branch establishes requirements for healthy, nutritionally sound, and appetizing meals that meet the needs of the general population and those at nutritional risk.

The Human Resource Management Division (HRMD) is responsible for the development, implementation, and administration of a merit system for employees which includes recruiting, examining, selecting, training, and promoting individuals on the basis of their knowledge, skills and abilities regardless of their race, religion, sex, political influence, or other factors; staff discipline; contract negotiations; performance management; and oversight of security background investigations. HRMD also establishes Bureau-wide

personnel/training policies that meet legal and regulatory requirements of the Federal Government.

HRMD develops and implements the Bureau's Federal Equal Opportunity Recruitment Program plan; monitors the recruitment efforts coordinated at the regional level to ensure a diverse pool of qualified applicants are available from which to choose from for positions Bureau-wide; plans, develops, and implements the Bureau's Affirmative Action Programs for Minorities and Women, Disabled Veterans, and Persons with Disabilities; develops and operates a nationwide staffing program for the processing of job applications; manages seven nationwide Office of Personnel Management registers to provide timely processing of applications for those seeking employment with BOP; maintains registers for Correctional Officer, Correctional Treatment Specialist, Drug Treatment Specialist, Clinical Psychologist, Counseling Psychologist, Physician Assistant, and Medical Doctor; develops an effective correctional workforce through challenging staff development experiences; designs and implements management and executive level development programs to meet leadership needs; provides expert advice and guidance on matters relating to the employees' union, employee grievances, and employee disciplinary actions; provides agency representation before administrative third parties; provides advice on local negotiations; represents the agency at national negotiations; ensures all positions are properly classified and employees receive all benefits, rights and entitlements; conducts research and analysis of Human Resource programs to support the development and enhancement of various initiatives; responsible for the personnel security and background investigation program, ensuring all employees receive appropriate background investigations and subsequent reinvestigation, with employment security approvals processed in a timely manner.

BOP operates a Training Academy at the Federal Law Enforcement Training Center (FLETC), Glynnco, Georgia, which provides introductory correctional training for all new employees. The Training Academy provides facilities for the housing of students, training in academics, firearms and self-defense. Course materials provide instruction on hostage situations, ethics, interpersonal communication skills, special offenders, inmate discipline, legal procedures, etc. BOP also conducts Self-defense Instructor training at the FLETC, Glynnco facility. BOP conducts advanced correctional skills training such as disturbance control, firearms, side-handle baton and bus operations, at the FLETC, satellite facility in Artesia, New Mexico.

Most of BOP's advanced workshops, and managerial and technical training are held at the Management and Specialty Training Center in Aurora, Colorado. A wide range of courses are available for institution Executive Staff, department heads and technical support staff. These include courses for associate wardens, correctional services supervisors, food service administrators, legal staff, education and recreation staff, UNICOR, trust fund staff and others.

Approximately 80 percent of BOP's training is conducted on site at the institutions. Each institution has an Employee Development Manager who plans, manages, and organizes the institution's training programs. Certain institution-conducted courses are required by national policy. For example, it is mandatory that each new employee receive two weeks of orientation training immediately upon entry-on duty. Each experienced employee must be given correctional refresher training annually in subjects such as self defense, disturbance control, firearms, fire protection, and inmate supervision. Each new case manager and unit manager must complete a self-study course in case management operations within sixty days of appointment. Most other positions also have mandatory training requirements.

The Information, Policy, and Public Affairs Division facilitates the use and dissemination of information within BOP and to external constituents, including Congress, other components of Federal, State, and local governments, members of the criminal justice community, the media, and the general public. The Division includes offices of Public Affairs, Research and Evaluation, Information Systems, Policy and Information Resource Management and Security/Technology.

The Office of Public Affairs is responsible for public information, public and media relations, Congressional liaison and communications functions and provides a wide range of public information services to the media, the public, and other organizations; serves as primary contact for six regional offices and 86 institutions seeking advice on media policy and national media contacts. In addition, this office coordinates responses to major media contacts; responds to numerous inquiries from local and national news organizations; compiles a detailed weekly report from the Director to the Attorney General; tracks and analyzes legislation in coordination with the Department of Justice Office of Legislative Affairs; maintains direct contact with Members of Congress and their staffs; responds to Congressional inquiries and concerns as necessary; prepares the Director for Congressional hearings and visits with members of Congress; works with the Federal Judicial Center in coordinating Sentencing Institute

Seminars for Federal judges; develops documents and publications about Bureau-related issues, and prepares informational videotape programs. This office also develops projects that enhance public knowledge of BOP and its programs; coordinates information regarding Community Relations Boards in BOP institutions nationwide and coordinates and advises on international issues of interest to BOP; maintains liaison with foreign governments and international organizations requesting technical assistance, advice and information, and assists other U. S. Government agencies in their efforts to provide international assistance.

The Office of Public Affairs also conducts historical research; develops books, articles, and special presentations on BOP history for both internal and external audiences; responds to requests from BOP offices, other Federal agencies, scholars, the press, and the general public for historical information and records; collects and preserves historical records and artifacts; conducts oral history interviews; and develops displays on BOP history. The Office of Public Affairs handles records management issues for BOP by devising records disposition schedules and standards, compiling a comprehensive agency records schedule, conducting liaison with the National Archives and Records Administration, coordinating transfers of records to the National Archives, and providing staff training and advice on records management procedures.

The Office of Research and Evaluation provides information relevant to current and future questions in the field of corrections through social science research which include analyzing current and proposed government policies, conducting studies, developing and maintaining information systems, producing and distributing reports, responding to information and technical assistance requests, and processing research proposals. The Research Office generates and distributes reports on such topics as recidivism, institution social climate, substance abuse problems of inmates, shock incarceration, impact of Drug Law Sentencing on the prison population, the relationship of work and vocational training of inmates to post-release employment and criminality, and privatization. The office also responds to requests for prison impact assessments, information or technical assistance from BOP staff and outside agencies; and generates data on such issues as population projections, inmate classification, inmate misconduct, non-citizens, low-risk segments of the prison population, and career paths of staff.

The Policy and Information Resource Management Branch is responsible for system-wide management of directives, forms, printing, electronic publishing, quality assurance review of the Bureau's directives before and after issuance.

Moreover, the Branch has Bureau-wide coordination responsibility for the management and safe keeping of information as a valuable and vital resource to the successful day-to-day operation of the agency. The Branch also has responsibility for coordinating the agency's information resource management strategic planning process.

The Office of Security Technology is responsible for identifying, evaluating, assisting, and developing security/technology initiatives and equipment within BOP; centralizing the identification and screening of new equipment and technology for potential use; establishing relationships with other Federal and State law enforcement agencies; responding to field requests for technical solutions to operational problems; coordinating evaluations with other BOP branches, divisions, regions and institutions potentially affected; distributing information to institutions and offices regarding the results of evaluations and tests; and establishing standards for the use of security systems.

The Office of Information Systems ensures the provision of modern, automated data and information systems for all BOP locations including computer services, application system development, technical support, personal computer support, financial systems, and field support.

The Program Review Branch reviews compliance with the laws, regulations and policy, adequacy of controls, efficiency of operations, and effectiveness in achieving program results, including exploring and developing all pertinent and significant information necessary to properly evaluate, support, and present findings. Through this process, the Branch is able to provide assurance that BOP programs are operating within policy and are free of fraud, waste, abuse, mismanagement, and illegal acts.

The Program Review Division facilitates organizational self-assessment by BOP managers to determine strengths and weaknesses; gathers information about BOP operations in a consistent and objective manner; provides accurate, relevant information to management in a timely manner; provides training, insight and strategies to assist management in the strategic planning process and the

efficient, effective gathering, monitoring and sharing of data; coordinates and monitors appropriate oversight activities of audit and regulatory authorities; and ensures that effective management and operational procedures exist throughout the Bureau of Prisons.

The Competition Advocate seeks to enhance deficit reduction, avoid wasteful spending, and accrue savings to the BOP through various competitive strategies which are designed to reduce contract costs.

The Program Analysis Branch is responsible for monitoring and evaluating BOP programs in order to provide timely and relevant information about specific program performance and Bureau-wide patterns and trends. Program Analysis Branch also assists BOP staff with the development of management information systems and trains them in the use of these systems to monitor, evaluate and plan.

The Strategic Management Branch facilitates, monitors, and evaluates the agency's implementation of the Federal Managers' Financial Integrity Act by coordinating management assessments, providing a quality assurance mechanism for the progress review process, and organizing the Year-End Management Control Report for the Director, which is forwarded to the Attorney General. The program provides a liaison service for the Bureau of Prisons' contacts with external audit agencies, such as the General Accounting Office, the Office of Inspector General, and the American Correctional Association. The Strategic Management Branch encourages the implementation of strategic planning through training, publication, and the dissemination of strategic planning updates, and by providing assistance to agency managers in the development and implementation of strategic goals, objectives and action plans. The branch is responsible for soliciting input from staff regarding needed changes in the agency and providing feedback on suggestions.

The Administration Division provides the resources and support necessary for BOP to perform in an effective and efficient manner. This includes the development of budget requests; the stewardship of financial resources; procurement and property management; the design and construction of new correctional facilities, as well as the renovation and maintenance of existing facilities; and other administrative support services required by the organization.

The Budget Development Branch formulates BOP's resource requests including budget submissions, amendments, supplementals, prison impact assessment estimates and reprogrammings; justifies the budget estimates by preparing formal budget exhibits, written testimony and detailed data which support the agency's funding requests before the Department of Justice, the Office of Management and Budget, and the House and Senate Appropriations Subcommittees; and represents the BOP at various interagency budget related workgroups.

The Budget Execution Branch ensures operation within the appropriated funding and position levels by developing and overseeing adequate monitoring and control mechanisms; develops national policy to ensure compliance with requirements and instructions issued by agencies such as the Department of Justice, Office of Management and Budget, General Accounting Office, Department of Treasury, etc.

The Finance Branch ensures that all financial transactions are recorded in an accurate and timely manner in the financial management system in order to produce the financial reports necessary for the monitoring of the financial status of the Bureau and its institutions; develops BOP accounting policies and internal controls to ensure compliance with the requirements of the Department of Justice, the Office of Management and Budget, the General Services Administration, and the Department of Treasury; pays Central Office vendor and travel payments; manages contract programs which support the financial management mission of the Bureau such as American Express Travel Charge Card Program, the Mellon Bank third party draft program, the Visa Card Small Purchase payments, and the Central Office Travel Management Center contract; and develops specifications for the design and operation of the Bureau's financial management system.

The Capacity Planning Branch coordinates and analyzes information related to capacity planning, covering such varied areas as female offenders, detention needs, medical facilities, population projections, new facilities construction and contract confinement; produces and updates the Bureau's Capacity Plan, which is the official composite plan for the utilization of correctional capacity; and produces the Federal Detention Plan, which is an interagency plan between the Bureau of Prisons, Immigration and Naturalization Service, and the U. S. Marshals Service. The Branch is also responsible for reviewing rated capacity changes at each institution and assuring that those changes are properly reflected in SENTRY.

Facilities Management directs and monitors the existing institution repair and improvement program; establishes policy governing the maintenance of existing facilities; and provides technical support to both BOP staff and outside entities regarding architectural, engineering, and facilities issues.

The Design and Construction Branch is responsible for the planning, design, and construction of new institutions for the Bureau of Prisons; develops design and related technical standards and policies for development of new BOP facilities; participates in BOP's long range capacity expansion planning; and provides technical advice and support within BOP and to outside entities related to architectural, engineering, construction, and project management issues.

The Procurement and Property Branch develops Bureau-wide procurement policy to ensure goods and services are acquired in a timely manner, within Federal statutory regulations, and at the best value to the Government; provides accurate accountability and control of BOP's real and personal property resources, and automated data processing equipment to include inmate telephone system and automated collect call operator services; provides direct national contract services in the areas of community corrections, new facility construction, prime vendor pharmaceutical products, and other large volume requirements; provides contract oversight and training to regions and institutions; provides direct contract services and develops procurement and oversight policies for the private operation and management of secure adult corrections/detention facilities.

The Site Selection and Environmental Review Branch identifies sites for new correctional facilities; provides public information programs for local officials and the general public to garner support for proposed facilities; and coordinates the development of the required environmental impact studies.

Finally, the Trust Fund Branch provides commissary services; ensures the financial integrity of the Trust Fund and Inmate Deposit Fund; and implements and manages a Bureau-wide inmate telephone calling program.

INITIATIVE #1

	Perm. Fog.	FTE	Amount (\$000)
Activations			
Inmate Care	119	19	\$1,144
Institution Security & Administration	279	47	2,409
TOTAL	398	66	\$3,553

Proposed Actions

This initiative seeks to address the following objectives:

- 1) Activate 1 sentenced capacity facility in FY 1998, which will add 1,152 beds.
- 2) Reduce the overcrowding rate.
- 3) Provide offenders incarcerated in BOP with a nutritional diet; comprehensive, accessible health care services; clean clothing, footwear, linens, toiletries and stationery; and to provide manage the Inmate Trust Fund.
- 4) Establish a safe, humane environment which minimizes to the extent possible, the detrimental effects of confinement; and to provide a variety of counseling programs which are most likely to aid inmates in a successful adjustment to the institution and, upon release, a successful return to the community.
- 5) Provide general and occupational education opportunities to all inmates desiring or required to participate; provide Federal offenders with activities to improve their physical and mental health and promote the development of personal, interpersonal and social skills to better enable them to cope with the psychological and physical impact of their incarceration; and to enhance post-release employment and positive life styles.

- 6) Provide all prisoners with reasonable and equitable opportunities to pursue individual religious beliefs and practices within the constraints of confinement.

For FY 1998, BOP is requesting a total of \$3,553,000, 398 positions and 66 FTE for one facility which will require activation resources. Beaumont, Texas will add a total of 1,152 critically needed beds. Opening a new facility is the culmination of four steps: site selection, design, construction, and activation. To avoid delays in acceptance of inmates, it is necessary to staff facilities a minimum of three months prior to activation, and equipment which requires long lead time is ordered at least six months prior to activation.

FCC Beaumont will be BOP's largest complex consisting of the following security levels: minimum, low, medium, and high. This complex will add a total of 4,160 beds when fully activated. In addition, this will be the site of the health care privatization project directed by Congress. BOP's medium security prisons are 45 percent overcrowded, nearly double the systemwide rate. Higher security capacity is required as the federal inmate population has become increasingly more violent. Thus, resources to activate Beaumont medium are critical for FY 1998 to address the increasingly violent population and relieve overcrowding.

INITIATIVE #2

	Perma. Pos.	FTE	Amount (\$000)
Intelligence Gathering			
Institution Security and Admin.	20	10	\$1,205
Management and Administration	4	2	242
Total	24	12	1,447

Proposed Actions

This initiative seeks to address the following objectives:

- 1) Evaluate and assess the system for responding to significant incidents and develop methods for reporting accurate and timely communication between institutions, regions and the Central Office.
- 2) Continue to enhance the BOP's ability to adequately respond to emergencies.
- 3) Implement and monitor comprehensive plans to more effectively manage disruptive, aggressive inmates in our population.

In FY 1998, BOP is requesting a total of \$1,447,000, 24 positions and 12 FTE to enhance its ability to identify the skills, capabilities, and background of inmates coming into BOP. BOP believes that the best way to do this is by coordinating its intelligence gathering efforts with other law enforcement organizations, including investigative and prosecutorial entities. BOP seeks to establish an intelligence structure to provide information that would be vital for day-to-day prison operations. The purpose is to collect intelligence on Security Threat Groups coming into BOP institutions. These groups include inmates that may be collaborating to threaten the safety of other inmates, BOP staff, institutions, the local community, or national security. Often, information useful to BOP, such as whether an inmate possesses skills that could pose unique problems within prisons, may not be gathered or deemed useful by other law enforcement organizations.

The 24 positions would be deployed as follows: 2 positions each at: MDC Brooklyn, New York; MCC Chicago, Illinois; MCC Guaynabo, Puerto Rico; MDC Los Angeles, California; FDC Miami, Florida; MCC New York, New York; MCC San Diego, California; FDC Seattle, Washington; USP Atlanta, Georgia; and FCI Otisville, New York (Atlanta and Otisville are Detention Overflow facilities). Three positions will be placed at the BOP Intelligence Section in the Central Office and 1 position at the FBI, Counter-terrorism Center.

The detention centers, including the overflow facilities, are gateways into BOP and are located in major metropolitan areas with high gang populations. Intense intelligence gathering at that point is crucial in order for BOP to appropriately designate (determine security level), manage and place inmates. Of the two positions, one would be an Intelligence Officer and the other would be an Intelligence Research Specialist.

The intelligence officer would participate in task forces, and criminal intelligence squads, and generally become a member (in a limited role) of key operations expected to result in the conviction of sophisticated, particularly dangerous, or numerous inmates. The intelligence research specialist would consolidate, analyze, and process the data. The three positions requested for BOP's Intelligence Section would centrally coordinate the activities and sharing of information gathered by the intelligence officers and analysts.

The FBI requested that BOP place one employee at the Counter-terrorism Center, which is expected to have representatives from various law enforcement organizations. BOP requires a presence to gain knowledge on terrorist threats from existing inmates and persons under surveillance who may have contacts with inmates or may, themselves, be convicted.

Overall, the proposed structure would enable BOP to focus on particular detainees as soon as they arrive, because information would be gathered beforehand. Since many outside contacts are made during the first few days of an inmates' stay, the initiative is also expected to yield valuable information to other law enforcement entities.

INITIATIVE #3

	Perm. FTE	FTE	Amount (\$000)
Electronic Freedom of Information	19	9	\$614
Institution Security and Admin.	18	10	838
Management and Administration	37	19	1,452
Total			

Proposed Actions

This initiative seeks to address the following objectives:

- 1) To bring FOIA into the Information Age by requiring that information maintained by the government in electronic form be subject to disclosure -- a principle already established in the case law. It also requires agencies to maintain their records in forms or formats "that are reproducible" and enables requesters to secure responses to FOIA requests in an electronic format -- e.g., by computer diskette or CD-ROM -- if they are "readily reproducible by the agency in that form or format;"
- 2) To ensure better agency compliance with the time limits imposed by the Act (extended from 10 days to 20 working days) and to limit the availability of "structural stays" under the Open America case precedent unless an agency demonstrates "reasonable progress in reducing" its existing backlog; and
- 3) To provide for "expedited processing" of certain requests, and judicial review thereof, where the requester demonstrates a "compelling need," which is defined to include, for requests by persons "primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal government activity."

For FY 1998, BOP is requesting a total of \$1,452,000, 37 positions and 19 workyears to meet requirements of the newly passed Electronic Freedom of Information Act Amendments of 1996. This action amends Section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to allow public access to information in an electronic format, and to impose new requirements related to the processing of requests submitted under the Freedom of Information and Privacy Acts.

PERFORMANCE MEASUREMENT TABLE PRESENTED BY GENERAL GOAL

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS					
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Estimate	1998 Target
Input	1. Salaries and Expenses Budget Amount (\$000's)	\$1,950,582	\$2,294,400	\$2,448,242	\$2,768,318	\$2,768,318	\$2,985,842
	FTE	22,983	24,913	25,436	29,174	29,174	31,404
Output/ Activity	2. Nos of beds added	8,918	7,288	4,400	6,444	6,444	10,817
	3. Nos of BOP facilities added	4	8	4	8	6	7
	4. Nos of contract beds added	259	1,487	(51)	922	922	524
Intermediate Outcome	5. Institution & CCC Transfers	51,928	66,557	64,857	65,942	65,942	66,778
	6. Releases	24,028	27,875	28,800	29,800	29,800	30,800
	7. Total End of Year Population	95,102	100,958	105,443	110,614	110,614	116,762
	BOP Facilities Population	85,850	90,159	94,695	98,944	98,944	104,619
	Contract Population	9,312	10,799	10,748	11,670	11,670	12,143
	8. Total Number of Facilities	75	83	86	92	92	99
	9. Prison Impact Statement provided vs. requested	N/A	100%	100%	100%	100%	100%
End Outcome	10. Overcrowding Level	33%	25%	24%	19%	19%	12%
	11. End of Year Capacity	64,751	72,039	76,442	82,886	82,886	93,703
	12. Assault rate	2.68%	2.65%	2.40%	2.53%	2.53%	2.82%
	13. Homicides Rate	0.02%	0.01%	0.01%	0.01%	0.01%	0.01%
	14. Suicides	0.01%	0.02%	0.01%	0.01%	0.01%	0.01%
	15. Rate of Escapes from Secure Inst.	0.00%	0.01%	0.00%	0.01%	0.01%	0.01%
A. Definitions of Terms or Explanations for Indicators							
B. Factors Affecting FY 98 Program Performance							
3. Nos. of new facilities added are four but net change (See 8) is three because one existing facility Mullington is now counted as Memphis Camp.							
C. Factors Affecting Selection of FY 97 and 98 Targets							

PERFORMANCE MEASUREMENT TABLE PRESENTED BY GENERAL GOAL

GENERAL GOAL 2: BOP will have a competent and representative workforce meeting the organization's needs up to and beyond the year 2000

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS					
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Target	1998 Estimate
Input	1. Salaries and Expenses Budget Amount (\$'000 S)	\$1,950,592	\$2,294,400	\$2,449,242	\$2,768,316	\$2,965,642	
	FTE	22,993	24,913	26,436	29,174	31,404	
Output/Activity	2. FTE Utilization Rate	90%	98%	95%	100%	100%	100%
Intermediate Outcome	3. Staff training at Glyco	3,243	4,120	2,988	4,582	4,582	4,694
	4. External training	11,100	12,500	17,200	18,500	18,500	19,500
	5. Management and Specialty training	4,202	4,500	4,800	6,771	6,771	7,500
	6. Internal Training	140,000	165,000	174,300	199,000	199,000	230,000
	7. Ethnic Training Participants	25,000	26,000	32,047	32,952	32,952	35,223
	8. National Recruitment Activities/Trips	350	276	200	260	260	260
End Outcome	9. Overall Staff to Inmate ratio	1,332	1,311	1,354	1,301	1,301	1,309
	10. Correctional staff to Inmate ratio	1,800	1,800	1,868	1,755	1,755	1,773
	11. % of Minority and Female Staff	48%	49%	49%	50%	50%	50%
	12. Staff Turnover Rate (BOP Facilities)	61%	61%	61%	61%	61%	61%
	13. Number of Institutions not Accredited by ACA	22	27	26	29	29	33

A. Definitions of Terms or Explanations for Indicators

B. Factors Affecting FY 96 Program Performance

C. Factors Affecting Selection of FY 97 and 98 Targets

PERFORMANCE MEASUREMENT TABLE PRESENTED BY GENERAL GOAL

GENERAL GOAL 3: BOP will maintain its facilities in operationally sound conditions and in compliance with security, safety and environmental requirements									
PERFORMANCE INDICATOR INFORMATION									
PERFORMANCE TARGETS AND ACTUAL RESULTS									
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Estimate	1998 Target		
Input	1. Institution Security & Administration Amount (\$000's)	\$934,535	\$1,127,175	\$1,210,249	\$1,345,187	\$1,345,187	\$1,451,058		
	FTE	13,766	14,905	15,883	17,359	17,359	18,840		
Output/ Activity	2. Major Maint. Projects Completed	1,458	1,420	1,443	1,350	1,350	1,540		
	3. Minor Maint. Project Completed	263,602	261,692	246,220	324,650	324,650	335,000		
Intermediate Outcome	4. Safety Inspections	5,191	5,392	5,762	6,242	6,242	6,710		
	5. Fire Investigations	432	462	492	541	541	584		
	6. Surveys of Environmental Health Programs	80	83	100	120	120	144		
End Outcome	7. Court Ordered Remedial Projects	0	0	0	0	0	0		
	8. Dollar Value of Fines for Violations	0	0	0	0	0	0		
	9. Number of Facilities over 30 years	24	24	24	24	24	24		
A. Definitions of Terms or Explanations for Indicators:									
B. Factors Affecting FY 96 Program Performance:									
C. Factors Affecting Selection of FY 97 and 98 Targets:									

PERFORMANCE MEASUREMENT TABLE PRESENTED BY GENERAL GOAL

GENERAL GOAL 4: BOP will manage its operations and resources in a competent and effective manner which encourages creativity and innovation in development of exemplary programs as well as excellence in maintaining the basics of correctional management. BOP continually strives toward improvements in its effective use of resources and its efficient delivery of services.

Type of Indicator	Performance Indicators	PERFORMANCE TARGETS AND ACTUAL RESULTS				
		1994 Actual	1995 Actual	1996 Actual	1997 Target Estimate	1998 Target
Input	1 Institution Security & Administration Amount (\$000's)	\$94,535	\$1,127,175	\$1,210,249	\$1,345,187	\$1,451,056
	FTE	13,786	14,905	15,863	17,359	18,640
	2 Management and Administration Amount (\$000's)	\$118,239	\$114,752	\$118,829	\$131,337	\$135,679
	FTE	1,299	1,228	1,209	1,264	1,278
Output/Activity	3 Policy Statements Issued	70	100	100	75	75
	4 Change Notices Issued	60	50	50	45	45
	5 Operations Memorandum Issued	300	300	300	200	200
	6 Technical Reference Manuals	5	20	30	24	20
	7 Electronic Pages Issued	70,000	130,000	130,000	130,000	140,000
	8 Electronic Forms Issued	300	700	700	700	700
Intermediate Outcome	9 Number of Prisoners Moved	53,000	55,000	58,000	62,000	65,100
	10 Strategic Plan	Yes	Yes	Yes	Yes	Yes
End Outcome	11 Streamlining Plan	N/A	N/A	Yes	Yes	N/A
	12 Complexes	2	2	4	4	5
	13 Daily Per Capita Cost	\$58.50	\$62.80	\$64.32	\$66.25	\$68.24
	14 Daily Medical Per Capita Cost	\$8.62	\$9.40	\$9.63	\$9.92	\$10.22
End Outcome	15 Daily Food Service Per Capita	\$5.16	\$5.50	\$5.63	\$5.80	\$5.97

A Definitions of Terms or Explanations for Indicators

B Factors Affecting FY 96 Program Performance 14 & 15) Daily Medical and Food per capita cost is an estimate

C Factors Affecting Selection of FY 97 and 98 Targets

PERFORMANCE MEASUREMENT TABLE PRESENTED BY GENERAL GOAL

GENERAL GOAL 5: BOP provides services and programs to address inmate needs, providing productive use of time activities, and facilitating the successful reintegration of inmates into society, consistent with community expectations and standards.									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	1994 Actual	1995 Actual	1996 Actual	1997 Actual	1998 Actual	1999 Actual	2000 Actual	2001 Actual	2002 Actual
Input									
1. Inmate Care & Programs FTE	\$757,621 7,623	\$873,051 8,402	\$930,494 8,959	\$1,043,457 10,126	\$1,043,457 10,126	\$1,126,314 11,065			
Output/Activity									
Enrollments									
2. Adult Continuing Education	28,823	27,950	32,107	32,600	32,600	33,100			
3. General Education Development	19,105	18,605	18,476	19,500	19,500	20,500			
4. Occupational Education	9,539	9,608	9,561	9,800	9,800	10,000			
5. Advanced Occupational Education	23,782	12,426	7,156	7,500	7,500	7,800			
6. English as a Second Language	4,514	4,168	4,035	4,200	4,200	4,400			
7. Parenting	1,706	6,641	9,990	10,800	10,800	11,600			
Intermediate Outcome									
8. Unit Team Meetings w/inmates	150,786	157,388	165,484	175,413	175,413	185,937			
9. Group Therapy Sessions	19,000	20,000	21,800	22,000	22,000	22,000			
10. Chaplaincy Contracts Issued	280	280	350	350	350	350			
End Outcome									
11. Adult Continuing Education	24,423	23,374	26,179	28,600	28,600	29,050			
12. General Education Development	5,510	5,343	4,842	5,440	5,440	6,240			
13. Occupational Education	6,888	6,582	7,152	7,300	7,300	7,450			
14. Advanced Occupational Education	19,525	14,946	7,315	7,560	7,560	7,810			
15. English as a Second Language	1,405	1,273	1,263	1,410	1,410	1,560			
16. Parenting	1,267	5,197	9,172	9,920	9,920	10,670			
17. Worship Services Conducted	n/a	63,126	66,000	69,000	69,000	70,000			
18. Accreditation of BOP health care facilities by JCAHO	27%	51%	78%	97%	97%	100%			
19. External mortality review of all BOP inmate deaths	100%	100%	100%	100%	100%	100%			
A. Definitions of Terms or Explanations for Indicators									
B. Factors Affecting FY 96 Program Performance									
C. Factors Affecting FY 97 and 98 Targets									

PERFORMANCE MEASUREMENT TABLE PRESENTED BY GENERAL GOAL						
GENERAL GOAL 6 BOP will continue to seek opportunities for expanding the involvement of community, and local state, and Federal agencies, in improving the effectiveness of the services it provides to offenders and constituent agencies. The active participation by Bureau staff to improve partnerships will allow the Bureau to carry out its mission within the criminal justice system and to remain responsive to other agencies and the public. BOP will develop partnerships to focus the shared responsibility for the establishment of a supportive environment promoting the reintegration of offenders into the community.						
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS			
Type of Indicator	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Estimate	1998 Target
Input						
1. Management and Administration Amount (\$000's)	\$118,239	\$114,752	\$118,829	\$131,337	\$131,337	\$135,679
FTE	1,259	1,228	1,209	1,264	1,264	1,276
2. Contract Confinement Amount (\$000's)	\$140,197	\$179,422	\$189,670	\$248,335	\$248,335	\$252,583
FTE	198	251	258	287	287	287
Output/Activity						
3. Number of Privately Operated Facilities	1	1	1	2	2	2
4. Health Care Privatization Initiative	N/A	N/A	Yes	Yes	Yes	Yes
5. Total number of Contract Beds	9,312	10,799	10,748	11,670	11,670	12,143
6. National Institute of Corrections/ Office of Correctional Job Trng	Yes	Yes	Yes	Yes	Yes	Yes
7. International Assistance Program	Yes	Yes	Yes	Yes	Yes	Yes
8. Legislative Liaison Program	Yes	Yes	Yes	Yes	Yes	Yes
9. Publications/ Videos	Yes	Yes	Yes	Yes	Yes	Yes
About BOP						
10. Number of Volunteers	6,000	6,000	7,142	7,150	7,150	7,150
11. Percentage of BOP Population in Alternative Confinement	10%	10%	10%	10%	10%	10%
12. Alternative Confinement Contracts	652	646	629	645	645	656
13. CCC Utilization Rate	n/a	74%	72%	100%	100%	100%
14. Inmate contributions to the cost of confinement in CCC's (\$000's)	\$10,800	\$13,200	\$14,200	\$14,200	\$14,200	\$14,200
15. Number of Technical Asst./Training events for State/Local agencies	272	346	362	425	425	460
16. Number of State/Local agencies assisting offenders/ex-offenders in job training and placement through Federal Programs	N/A	N/A	1,286	1,350	1,350	1,400
A. Definitions of Terms or Explanations for Indicators						
B. Factors Affecting FY 96 Program Performance						
C. Factors Affecting Selection of FY 97 and 98 Targets						

Federal Prison System
Salaries and Expenses
Justification of M.W. - Activity Program Changes
(Dollars in thousands)

Estimates by Program	Program Increases											
	Beaumont, TX FCC (Medium)			Intelligence Gathering			Electronic Freedom of Information Increases			Total Program Increases		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Inmate Care and Programs:												
Inmate Care.....	44	7	\$446	0	0	0	0	0	0	44	7	\$446
Inmate Programs.....	76	12	699	0	0	0	0	0	0	76	12	699
Subtotal.....	119	19	1,144	0	0	0	0	0	0	119	19	1,144
Institution Security and Administration:												
Institution Security.....	207	35	1,446	20	10	\$1,205	0	0	0	227	45	2,651
Institution Maintenance.....	27	5	287	0	0	0	0	0	0	27	5	287
Institution Administration.....	42	6	648	0	0	0	19	9	\$914	61	15	1,262
Staff Training.....	3	1	28	0	0	0	0	0	0	3	1	28
Subtotal.....	279	47	2,409	20	10	1,205	19	9	614	318	68	4,228
Contract Confinement.....	0	0	0	0	0	0	0	0	0	0	0	0
Management and Administration.....	0	0	0	4	2	242	18	10	838	22	12	1,080
TOTAL.....	398	66	3,553	24	12	1,447	37	19	1,452	459	87	5,452

Federal Prison System
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Grades	Item	Inmate Care & Programs		Institution Security and Administration		Contract Confinement		Management & Administration		Total Program Changes	
		Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
GM-15		2	\$158	1	\$79					3	\$237
GM-14		1	67	3	201					4	268
GS-13		7	397	5	284					12	681
GS-12		12	573	14	668			17	\$811	43	2,052
GS-11		59	2,349	13	518					72	2,867
GS-09		13	428	43	1,415			5	165	61	2,008
GS-08		7	209	89	2,651					96	2,860
GS-07				101	2,717					101	2,717
GS-06		4	97	18	436					22	533
GS-05											
Ungraded		14	604	31	1,339					45	1,943
Total Positions and annual Rate		119	4,882	318	10,308			22	976	459	16,166
Lapse (-)		(100)	(4,077)	(252)	(8,092)			(10)	(443)	(362)	(12,612)
11.1	Workyears and Compensation	19	805	66	2,216			12	533	97	3,554
11.5	Other personnel compensation				25				5		30
11.8	Special Personal services payment										
12.0	Total Workyears and compensation	19	805	66	2,241			12	538	97	3,584
21.0	Personal benefits		339		1,000				240		1,579
22.0	Travel and trans of persons				65				33		98
23.0	Transportation of things				45				9		54
23.1	Rental payments to GSA										
23.2	Rental payments to others										
23.3	Comm. utilities and misc.										
24.0	Printing and reproduction										
25.0	Other services										
25.2	Supplies and materials				705				5		5
26.0	Equipment				72				213		918
31.0	Grants, subsidies, and contracts				100				22		94
41.0	Insurance claims and indemnities								20		120
42.0	Total Workyears and Oblig. 1998	19	1,144	66	4,228			12	1,080	97	6,452

Federal Prison System
Salaries and Expenses
Schedule of Motor Vehicles

Method of Acquisition and Type of Vehicle	1995			1996			1997			1998			End of Year
	End of Year Inventory	Acquired	Disposed	End of Year Inventory	Acquired	Disposed	End of Year Inventory	Acquired	Disposed	End of Year Inventory	Acquired	Disposed	
Direct Purchases:													
Large Sedan	150	52	32	170	65	40	195	70	195	40	195	40	225
Medium Sedan	72	10	10	72	10	10	10	11	11	11	11	11	80
Compact Sedan	72	20	20	77	36	20	92	40	40	27	105	27	105
Subcompact Sedan	0	0	0	0	0	0	0	0	0	0	0	0	0
Station Wagon	64	9	10	63	12	10	65	10	10	10	10	10	65
Van 4x2	402	116	80	438	129	78	489	130	489	78	540	78	540
Van 4x4	0	0	0	0	0	0	0	0	0	0	0	0	0
Truck 4x2 Utility	438	90	60	464	101	68	479	91	479	68	480	68	480
Truck 4x4 Utility	0	0	0	0	0	0	0	0	0	0	0	0	0
Bus, Inter-Urban	55	18	4	69	12	6	75	6	75	6	75	6	75
Bus, School Type	45	6	4	47	6	4	49	6	49	6	52	6	52
Special purpose:													
Carryall 4x4	74	14	11	77	15	8	84	15	84	15	84	15	84
Other	10	6	5	11	6	5	12	6	12	6	13	6	13
Truck:													
Pick-up 4x2	704	244	131	817	288	150	905	300	905	150	1,045	150	1,045
Pick-up 4x4	135	64	58	141	71	67	145	70	145	67	160	67	160
Sub-total Purchased:	2,222	654	425	2,451	730	484	2,667	764	2,667	484	3,024	484	3,024
Leased:													
Large Sedan	1	1	1	1	4	3	2	2	2	2	2	2	1
Other	12	2	6	8	6	5	9	4	9	4	5	4	8
Sub-total Leased:	13	3	7	9	10	8	11	6	11	6	7	6	9
Seized or No-Cost Expense:													
Large Sedan	4	6	0	10	3	1	12	5	12	5	30	3	14
Medium Sedan	0	0	0	0	3	1	2	3	2	3	0	1	4
Other	115	21	11	125	48	40	131	68	131	68	60	60	137
Sub-total Seized:	119	27	11	135	52	42	145	74	145	74	90	64	155
TOTAL VEHICLES	2,354	684	443	2,595	792	534	2,853	834	2,853	534	N/A	599	3,089

Federal Prison System
Salaries & Expenses

Status of Congressionally Requested
Studies, Reports, and Evaluations

The Conference Report for the Department of Commerce, Justice, and State, the Judiciary and Related Agencies for Fiscal Year 1997 directed the Bureau of Prisons to submit the following report back to the Committees on Appropriations of both the House and Senate

1 Prime Vendor Assistance Program due June 1, 1997

BOP is to provide a report on the findings of the evaluation of the prime vendor subsistence pilot program by no later than June 1, 1997, and that no expansion or extension of this program beyond April 1997 shall occur prior to the Committee's review of BOP's findings

BOP's Northeast Region has been piloting the vendor subsistence program, a workgroup has established clear criteria for measuring the results of the program. The report is expected to be compiled and forwarded as directed by June 1, 1997

2 Five Year Prison Privatization Demonstration Project at FCI and PPC Taft, California

The Request for Proposal was issued November 27, 1996 and closes February 18, 1997. Between 40 and 50 vendors have expressed an interest in submitting proposals. When awarded, the contract will be for three years with one year options to extend up to ten years

EY 1996 Report Update
National Institute of Corrections (NIC)

1 Section 151 of the Fiscal Year 1996 District of Columbia Appropriation (P.L. 104-134) directed the NIC acting for and on behalf of the District of Columbia to hire a consultant to develop a plan by September 30, 1996 for short-term improvements on a limited number of administrative and physical plant reforms that can be completed within a three to five month time-frame and at least four optional long-term plans for the Lorton Correctional Complex. The language also requires that NIC submit their reports to the President, the Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority. The short-term plan to be submitted no later than September 30, 1996, long-term no later than December 31, 1996

The short-term plan was prepared and forwarded as required. BOP/NIC requested an extension for completion of the long-term study until January 31, 1997

Federal Prison System
Salaries and Expenses
FY 1998 Priority Ranking

Base Program		Program Increases	
Program	Ranking	Program	Ranking
Inmate Care & Programs.....	1	Activations.....	1
Institution Security and Administration.....	2	Intelligence Gathering.....	2
Contract Confinement.....	3	Electronic Freedom of Information.....	3
Management and Administration.....	4		

Federal Prison System
Salaries and Expenses
Details of Payments by Category
Fiscal Year 1992 - 1993

Category	1992 Enacted	1993 Enacted	1993	
			Changes	Request
Attorneys (009).....	110	113	3	116
Paralegal Specialist (953).....	104	118	18	137
Other Legal and Kindred (800-949).....	458	541	52	593
Corrections Institution Administration (009).....	1,088	1,715	22	1,737
Corrections officers (007).....	13,932	14,337	520	15,037
Other Misc. Occupations (001-069).....	593	636	28	664
Soc. Science, Econ. and Kindred (100-199).....	1,804	2,044	78	2,120
Personnel Management (200-299).....	982	987	22	1,009
General Admin clerical and office services (300-399).....	2,144	2,283	54	2,317
Biological sciences (400-499).....	3	3	0	3
Accounting and Budget (500-599).....	941	973	24	987
Medical, Dental & Public Health (600-799).....	2,151	2,710	66	2,776
Engineering and Architecture Group (800-899).....	244	244	0	244
Information and Arts Group (1000-1099).....	22	22	0	22
Business and Industry Group (1100-1199).....	416	422	10	432
Mathematics and Statistics Group (1200-1299).....	0	0	0	0
Equipment, Facilities and Services Group (1300-1399).....	486	533	18	549
Education Group (1410-1411; 1700-1799).....	971	1,027	26	1,053
Supply Group (2000-2099).....	136	144	4	148
Ungraded (clerical, farm, mechanics & construction).....	3,314	3,525	106	3,633
Total	30,209	32,587	1,052	33,609
Washington.....	882	882	14	876
U.S. Field.....	29,347	31,685	1,036	32,733
Total	30,209	32,587	1,052	33,609

Federal Prison System
Salaries and Expenses
Summary of Law Enforcement and Administrative Positions
FY 1997 - 1998

	1997 Enacted		1998 Increases & Annualization		1998 Request	
	Pos.	WY*	Pos.	WY	Pos.	WY*
Primary Law Enforcement.....	31,006	27,487	1,030	2,218	32,036	29,705
Administrative (includes secondary law enforcement).....	1,551	1,551	22	12	1,573	1,563
Total.....	32,557	29,038	1,052	2,230	33,609	31,268

* Excludes 136 reimbursable FTEs.

Federal Prison System
Salaries and Expenses
Summary of change Congressional (1997-1998)

	Pos.	FTE*	BA (\$000)
1997 Enacted (Direct)	32,557	29,174	\$2,768,316
Restoration of FY 1998 FTE Reductions	0	332	0
1998 Adjustments to base:			
Increases (Automatic, non policy):			
1998 Pay Raise and Locality Pay Increases (2.8%)	0	0	34,930
Annualization of 1997 pay raise (3.0%)	0	0	10,998
Accident Compensation	0	0	1,924
Medical Costs (5.3%)	0	0	4,211
Travel Mile Allowance Rate (.30c to .31c)	0	0	65
Correspondence Management System	0	0	23
Investigation/Risk Investigation	0	0	42
Spectrum Frequency Management	0	0	17
Northern Mariana Islands	0	0	100
General Pricing Level Adjustments (2.6%)	0	0	14,612
Total, Increases	0	0	68,910
Annualization of Program Increases:			
Beaumont, TX FCC 512 beds Minimum (8/97)	0	54	6,642
Taft, CA 2,048 beds (8/97)	0	0	2,291
Brooklyn, NY MDC 1,229 beds (8/98)	398	155	(6,237)
Forest City, AR 1,536 beds (1/97)	0	0	200
Yazoo City, MS 1,536 beds (1/97)	0	0	2,765
Beaumont, TX FCC 900 beds High (1/97)	0	285	12,778
Buñner, NC FMC 763 beds (3/98) (513 medical 250 Low)	0	498	18,676
Edgfield, SC FCI 1,064 (1,152 beds medium 12/97 & 512 beds minimum 1/97)	0	446	26,550
Garwell AFB, TX 512 beds Low (4/98)	149	87	6,944
Morganburn, Expansion 320 beds (4/98)	58	39	3,439

Federal Prison System
Salaries and Expenses
Summary of change Congressional (1997 - 1998)

	Pos	FTE*	BA (\$000)
Annualization of Program Increases (Continued):			
Seattle, WA 677 beds Detention Facility (2/97)	0	28	9,363
Elkhart, OH 2,048 beds 3/97 (512 minimum & 1,536 beds low)	0	160	30,964
Fl. Devens, MA	0	51	(21,000)
Benefits Adjustments	0	0	(6,900)
Relocation Cost Adjustments	0	0	(1,500)
Restoration of FY 1998 Carryover (\$90 million - \$50 million = \$40 million)	0	0	40,000
Subtotal, Annualization of Program Increases	593	1,801	123,964
1998 Base	33,150	31,307	2,959,190
1998 Program Increases:			
Activation of Sentenced Capacity BOP:			
Beaumont, TX FCC 1,152 beds Medium (9/98)	398	86	3,553
Subtotal, Activations (1,152 beds)	398	86	3,553
Other Increases:			
Expand capability for Intelligence Gathering	24	12	1,447
Electronic Freedom of Information (1998 Amendment)	37	19	1,452
Subtotal, Other Increases	61	31	2,899
Total, Program Increases	459	97	6,452
1998 Estimate	33,609	31,404	2,965,642

* Includes 136 reimbursable FTEs

**Federal Prison System
SALARIES AND EXPENSES
Justification of Increases to Base
(Dollars in thousands)**

Pos. WT Amounts

1976 Adjustment to Base:

Increases (Automatic, non-policy):

1. **1976 pay raise**..... This provides for the proposed 3.0 percent pay raise to be effective in January, 1976 and is consistent with Administration policy included in the 1968 General Appropriations Act. This includes Locality pay adjustments as well as the general pay raise. The amount requested, \$34,930,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$25,499,000 for pay and \$9,431,000 benefits = \$34,930,000).
2. **Annualization of 1977 pay raise**..... This pay raise is the first quarter amount (October through December of the 1977 pay raise) which is being provided for in the 1976 fiscal year. The amount requested, \$10,996,000, represents the pay amounts for three-quarters of the year (\$8,227,000 for compensation and \$2,769,000 for benefits).
3. **Annualization of 2,465 additional positions approved in 1977**..... This provides for the annualization of 2,465 additional positions provided in 1977 Congressional Action for activations of new prisons. This request includes nonrecurring costs for one-time items associated with the increased positions.

Approved	Annualization
<u>1977 Increases</u>	<u>Benefit</u>

Annual salary rate of 2,465 approved positions.....	\$84,878	
Less: Leave.....	54,767	
Cost of compensation.....	29,111	\$30,767
Other personnel compensation.....	1,853	
Associated employee benefits.....	12,286	6,259
Travel and transportation of persons.....	1,571	27,228
Transportation of things.....	1,186	1,060
Communications, utilities and misc.....	1,288	5,844
Supplies and materials.....	5,145	14,550
Equipment.....	4,864	15,279
Total, costs subject to annualization.....	63,068	123,964

Increases (Automatic, non-political)		Page	VI	Amount
4.	<u>Accident Compensation</u> This increase reflects the billing provided by the Department of Labor for the actual costs in 1998 of employees' accident compensation, which will be billed in 1999. The 1998 increased cost will be \$1,924,000.	...	...	\$1,924
5.	<u>Medical Hospital Service Costs</u> The Department of Health and Human Services is projecting an increase in health care costs. The Department is applying a factor of 5.5 percent against medical services. An increase of \$4,211,000 will be required for 1999.	...	...	4,211
6.	<u>Mileage Allowance Rate Increase</u> The mileage allowance rate has increased from 30 cents to 31 cents per mile. An increase of \$55,000 is requested in 1999 to cover this rate adjustment.	...	...	55
7.	<u>Correspondence Management System</u> An increase of \$23,000 is requested in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. This new system, provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved recordkeeping, and improved reporting capability.	...	...	23
8.	<u>Investigative/Inspection</u> The Department of Justice requires that appointments for Government employees be made subject to investigation. Additional funding is required to cover the costs of additional contractor support needed to ensure timely compliance with this Executive Order. It is critical to accommodate the Department's security requirements by ensuring investigations and reassignments are timely initiated on newly appointed civilian officers and employees.	...	...	42
9.	<u>Spectrum/Frequency Management</u> Public Law 104-134 authorizes the Secretary of Commerce to charge federal agencies for spectrum management services. The National Telecommunications and Information Administration estimates that the Department of Justice costs for 1998 will be \$723,000 based on the annual number of frequency assignments. Given the dependence of the Department's law enforcement operations on sufficient and available frequency assignments, it is necessary to continue operations. Funding of \$17,000 is requested for the Bureau of Prisons.	...	...	17
10.	<u>General Pricing Level Adjustments</u> This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 1.5 percent against the existing price base. The increased costs for the General Services Administration will be funded through the existing system instead of by the private sector. The factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs, and utilities.	...	...	14,612
11.	<u>Northern Mariana Islands</u> Prior to 1998, the Department of Interior administered the Department of Justice's costs for addressing the Northern Mariana Islands. The Department of Justice's costs for the Northern Mariana Islands in 1998, reimbursement of these costs will not be available. Funding of \$100,000 is requested to maintain current efforts in CNMI.	...	...	100

Federal Prison System
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ES-6 \$123,100	1		1		1		0	
ES-5 \$123,100	5		7		8		1	
ES-4 \$119,656	6		5		4		(1)	
ES-3 \$113,751	4		4		5		1	
ES-2 \$108,624	8		7		10		3	
ES-1 \$103,697	24		24		20		(4)	
GS-15 \$75,935-98,714	391		429		437		8	
GS-14 \$64,555-83,922	457		476		486		10	
GS-13 \$54,629-71,017	1,007		1,098		1,134		36	
GS-12 \$45,939-59,725	2,073		2,174		2,247		73	
GS-11 \$38,330-49,831	4,521		5,190		5,358		168	
GS-10 \$34,887-45,356	351		351		351		0	
GS-09 \$31,680-41,185	3,421		3,632		3,741		109	
GS-08 \$28,681-37,289	5,254		5,631		5,865		234	
GS-07 \$25,697-33,667	8,047		8,533		8,773		240	
GS-06 \$23,305-30,294	1,149		1,296		1,362		66	
GS-05 \$20,908-27,183	136		134		134		0	
GS-04 \$18,687-24,298	40		40		40		0	
GS-03 \$16,647-21,641	0		0		0		0	
Ungraded positions	3,314		3,525		3,633		108	
1997 pay increase				\$32,187		\$32,187		\$0
1998 pay increase						\$33,998		\$33,998
Total appropriated positions	30,209	\$1,143,385	32,557	\$1,296,472	33,609	\$1,347,077	1,052	\$50,605
Pay above stated annual rates		4,352		4,851		5,157		306
Lapses	(4,128)	(128,133)	(3,747)	(116,307)	(2,569)	(81,039)	1,178	35,268
Savings due to lower pay scales part of year		(5,569)		(8,027)		(8,499)		(47)
Net full-time permanent	26,081	1,014,035	28,810	1,176,989	31,040	1,262,696	2,230	85,707
Other than permanent	228	5,417	228	5,580	228	5,747		167
Other personnel compensation	1,468	119,688	1,173	100,424	1,267	107,600	94	7,176
Special personnel service payments		20,387		22,560		23,567		1,377
Total, workyears and personnel compensation	27,717	1,159,507	30,211	1,305,573	32,535	1,400,000	2,324	94,427
Average ES Salary		\$106,733		\$110,300		\$113,985		
Average GS/GM Salary		\$36,203		\$37,289		\$38,333		
Average GS/GM Grade		6.99		6.97		6.97		
Average Ungraded Salary		\$39,425		\$40,647		\$41,785		

Summary of Requirements by Grade and Object Class (Cont'd)

Object Class	1958 Actual		1957 Estimate		1958 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
11 Personnel compensation	26,081	\$952,000	28,810	\$1,154,283	31,040	\$1,238,196	2,230	\$84,903
11.1 Full-time permanent								
11.3 Other than full-time permanent								
Temporary Employment	97	2,300	97	2,369	97	2,440	0	71
Other part-time and intermittent employment	131	3,117	131	3,211	131	3,307	0	96
11.5 Other personnel compensation								
Overtime	816	72,419	591	50,597	638	54,182	47	3,585
Other compensation	592	47,269	582	49,827	629	53,418	47	3,591
11.8 Special personnel compensation	0	20,357	0	22,590	0	23,957	0	1,377
Total	27,717	1,137,472	30,211	1,262,877	32,535	1,376,500	2,324	93,623
Reimbursable Workyears Full-time permanent	127		136		136		0	
12 Personnel benefits		410,750		488,703		537,573		48,870
13 Benefits for former personnel		0		0		0		0
21 Travel and transportation of persons		27,899		39,856		40,250		394
22 Transportation of things		8,134		11,184		11,409		225
23.1 GSA rent		11,364		14,463		14,483		0
23.2 Rental payments to others		1,693		1,737		1,782		45
23.3 Communications, utilities and misc. charges		109,215		137,270		149,896		12,285
24 Printing and reproduction		3,559		3,652		3,747		95
25.2 Other services		130,590		139,562		149,531		9,969
25.3 Purchase of goods and services from govern.		12,036		14,046		14,410		365
25.4 Operation and maintenance of facilities		0		25,000		38,100		14,100
25.9 Medical Care		52,703		59,869		61,780		6,104
26 Operations & Maintenance of equipment		8,740		8,897		9,183		584
26.8 Substance & Support of persons		163,765		176,381		182,683		12,698
28 Supplies and materials		25,144		289,212		369,327		26,115
31 Equipment		77,148		80,468		89,800		(29,669)
32 Lands and structures		1,294		1,372		1,480		108
41 Grants, subsidies and contributions		8,207		8,207		8,207		0
42 Insurance claims and indemnities		103		103		103		0
43 Interest and dividends		0		0		0		0
Total direct obligations	2,416,812		2,762,320		2,961,385			199,065

Summary of Requirements by Grade and Object Class (Cont'd)

Object Class	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ALLOCATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES								
11.1 Personnel compensation								
Military	0	\$22,035	0	\$22,696	0	\$23,500	0	\$804
Total workyears and personnel compen	0	22,035	0	22,696	0	23,500	0	804
Other Objects								
12.1 Personnel benefits, Military		8,497		8,752		8,810		58
13 Benefits for former personnel		0		0		0		0
21 Travel and transportation of persons		184		188		188		0
22 Transportation of things		639		636		636		0
24 Printing and reproduction		0		0		0		0
25 Other services		1,075		1,103		1,103		0
Total direct obligations, HHS Allocation	0	32,430	0	33,395	0	34,257	0	862
Total obligations Salaries and Expenses	27,844	2,449,242	30,347	2,815,715	32,671	3,015,642	2,324	199,927
Unobligated balance, start-of-year		(58,322)		(97,399)		(50,000)		
Unobligated balance, expiring		45,090		0		0		
Unobligated balance, end-of-year		97,399		50,000		0		
Total Requirements		2,533,409		2,768,316		2,965,642		
Relation of obligations to outlays								
Total obligations		2,449,242		2,815,715		3,015,642		
Obligated balance, start-of-year		329,200		349,200		432,490		
Obligated balance, end-of-year		(349,200)		(432,490)		(650,000)		
Outlays		2,429,242		2,732,425		2,798,132		

Department of Justice
Federal Prison System
Violent Crime Reduction Program, FY
Estimates for fiscal year 1998

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Federal Prison System
Violent Crime Reduction Program, FY
Summary Statement
Fiscal Year 1998

The Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) established the Violent Crime Reduction Trust Fund (VCRTF). It also requires the Bureau of Prisons (BOP) to provide residential treatment to 50 percent of all eligible inmates by the end of FY 1995, 75 percent by the end of FY 1996 and 100 percent by the end of FY 1997.

In response to the rapid growth in the Federal inmate population having drug abuse histories, BOP has developed a comprehensive drug abuse treatment strategy consisting of four components: drug abuse education, non-residential drug abuse counseling services, residential drug abuse program, and community-transitions services programming. Participation in BOP's Drug Abuse Education Program is required for all inmates who have a judicial recommendation for treatment and/or a history of drug use.

The Drug Abuse Education component provides the inmate with specific instruction on the risks involved in drug using and abusing behaviors, presents strategies toward living a drug-free lifestyle. While introduced in 1994, the inmate to the concepts of drug treatment and motivating the inmate to volunteer for participation in BOP's residential drug abuse treatment program.

Non-residential Drug Abuse Counseling Services consist of both group and individual therapy delivered through the psychological services department in each institution. These services offer flexibility and service delivery to those who do not meet the eligibility requirements for BOP's residential drug abuse treatment program. Inmates who do not meet the eligibility requirements for the residential treatment program are referred to the non-residential program, and who require aftercare treatment while awaiting release to the community.

The residential drug abuse program is designed for extended drug abuse treatment. Six-to-twelve-month residential programs are available in 37 institutions. The residential program provides unit-based living with extensive assessment, treatment planning, and individual and group counseling. In late summer of FY 1996, BOP opened three new residential programs at FPC Cumberland, MD; FCI Florence, CO, and FPC Teasdale, TX. In addition, a new "Prison to Prison" program was initiated in FCI Lexington, KY, has recently implemented. Two existing programs at FPC Yorkton, SD and FCI Rochester, MI have expanded their residential programs.

Community transition programs were originally developed for inmates who complete the residential drug abuse treatment program and are released to the community under BOP custody. This component of treatment is the most critical period for the inmate's adjustment back into society. In FY 1995, the community transition program was extended to accept inmates who have been identified as requiring community treatment, as part of their community program plan while still in BOP custody, (i.e., Intensive Confinement Center inmates, inmates participating in the Electronic Monitoring program).

Federal Prison System
Violent Crime Reduction Program
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.]

Violent Crime Reduction Program

For substance abuse treatment in Federal prisons as authorized by section 3201(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended (P.L. 103-660), the Federal Prison System is authorized to receive funds from the Violent Crime Reduction Trust Fund. (Department of Justice Appropriations Act, 1997.)

\$26,135,000

No substantive changes proposed.

Federal Prison System
Violent Crime Reduction Programs
Crosswalk of 1997 Changes
(Dollars in thousands)

<u>Activity/Program</u>	<u>1997 President's Request</u>			<u>Reprogrammings</u>			<u>1997 Enacted</u>		
	<u>Perm.</u>	<u>Pos.</u>	<u>Amount</u>	<u>Perm.</u>	<u>Pos.</u>	<u>Amount</u>	<u>Perm.</u>	<u>Pos.</u>	<u>Amount</u>
Inmate Care & Programs.....	292		269	0	0	0	292	269	\$25,224

Federal Prison System
Violent Crime Reduction Programs
Summary of Requirements
(Dollars in thousands)

Adjustments to base	Pos.	WY	Amount
1997 as Enacted	292	269	\$25,224
Increases (Automatic, non-policy)	--	7	911
1998 base	292	276	26,135
1998 Estimate	292	276	26,135

1997 Enacted	1998 Base	1998 Estimate	Increase/Decrease
Perm. Pos.	Perm. Pos.	Perm. Pos.	Perm. Pos.
WY	WY	WY	WY
Amount	Amount	Amount	Amount
292 269 \$25,224	292 276 \$26,135	292 276 \$26,135	0 0 \$0
Estimates by Budget Activity			
1 Inmate care and Programs			

Federal Prison System
Vocational Training Programs
Summary of Expenses by Program
(Dollars in thousands)

	1996 As Enacted		1996 Actual		1997 Enacted		1998 Base		1998 Estimate		Increase/Decrease	
	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount
Expenses by Program Unit												
Inmate Care & Programs	262	234	813,484	262	63	85,115	262	269	825,224	262	216	826,135
											0	0

Federal Prison System
Violent Crime Reduction Programs
Program Performance Information
(Dollars in thousands)

	Perm. Pos.	FTE	Amount (\$000)
1997 Enacted	292	269	\$25,224
1998 Base	292	276	26,135
1998 Estimate	292	276	26,135
Increase/Decrease	0	0	0

BASE PROGRAM DESCRIPTION: In response to the rapid growth in the Federal inmate population having drug abuse histories, BOP has developed a comprehensive drug abuse treatment strategy consisting of four components: drug abuse education, non-residential drug abuse counseling services, residential drug abuse program, and community-transitional services programming.

Participation in BOP's Drug Abuse Education Program is required for all inmates who have a judicial recommendation for treatment, an instance offense involving drugs and/or a violation of supervision involving drugs. The Drug Abuse Education component provides the inmate with specific instruction on the risks involved in drug using and abusing behaviors, presents strategies toward living a drug-free lifestyle, while introducing the inmate to the concepts of drug treatment and motivating the inmate to enter and participate in BOP's residential drug abuse treatment program.

Non-residential Drug Abuse Counseling Services consist of both group and individual therapy delivered through the psychological services department in each institution. These services offer flexibility and service delivery to those who do not meet the eligibility requirements for BOP's residential drug abuse treatment program. Non-residential treatment services are also provided for those inmates who have completed the residential treatment phase who remain in the institution, and who require aftercare treatment while awaiting release to the community.

The residential drug abuse program is designed for extended drug abuse treatment. Six-to-twelve-month residential programs are available in 37 institutions. The residential programs provide unit-based living with extensive assessment, treatment planning, and individual and group counseling. In late summer of FY 1996, BOP opened three residential programs at FPC Cumberland, MD, FCI Florence, CO, and FPC Texarkana, TX. In addition, a 16-bed "pilot program" for inmates with dual-disorders (substance abuse and mental health) at Lexington, KY, has recently implemented. Two existing programs at FPC Yankton, SD and FCI Rochester, MN have expanded their residential programs.

Community transition programs were originally developed for inmates who complete the residential drug abuse treatment program and are released to the community under BOP custody. This component of treatment is the most critical period for the inmate's adjustment back into society. Additionally, the community transition program now accepts inmates who have been identified as requiring community treatment, as part of their community program plan while still in BOP custody, (i.e., Intensive Confinement Center inmates, inmates participating in the Electronic Monitoring program).

PERFORMANCE MEASUREMENT TABLE PRESENTED BY GENERAL GOAL

GENERAL GOAL 5: BOP provides services and programs to address inmate needs, providing productive use - of - time activities, and facilitating the successful reintegration of inmates into society, consistent with community expectations and standards									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Estimate	1999 Target			
Input									
1 Inmate Care & Programs Amount (\$000's)	\$0	\$0	\$5,715	\$25,221	\$25,224	\$26,135			
FTE	0	0	63	263	269	278			
Output/ Activity									
2 Inmates needing treatment (inmates with a diagnosis of substance abuse/dependence)	23,266	24,448	25,832	26,304	26,304	28,035			
Intermediate Outcome									
3 Drug abuse education counseling hours	410,000	480,000	496,000	500,000	500,000	528,500			
Participants	11,392	11,800	12,460	12,800	12,800	13,500			
4 Residential Drug abuse counseling hours	1,126,500	1,500,000	1,590,000	1,800,000	1,800,000	1,800,000			
Participants	3,755	4,800	5,445	6,000	6,000	6,000			
5 Non - residential Drug abuse counseling hours	23,688	24,000	21,600	21,600	21,600	22,800			
Participants	1,974	2,000	3,552	3,552	3,552	3,754			
6 Community transition participants	800	3,176	4,083	4,100	4,100	4,500			
End Outcome									
7 Number of institutions providing Residential Drug Abuse Treatment	31	35	37	42	42	42			
8 Percentage of Residential Drug Treatment provided to inmates needing treatment	N/A	50%	75%	100%	100%	100%			
A. Definitions of Terms or Explanations for Indicators									
B. Factors Affecting FY 96 Program Performance									
C. Factors Affecting Selection of FY 97 and 98 Targets									

Federal Prison System
Violent Crime Reduction Programs
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996 Enacted	1997 Enacted	1998	
			Changes	Request
Corrections Institution Administration (006)	6	6	0	6
Corrections Officers (007)	1	1		1
Soc. Science, Econ. and Kindred (100 - 199)	249	279	0	279
General Admin clerical and office services (300 - 399)	4	4	0	4
Total	262	292	0	292

Federal Prison System
Violent Crime Reduction Programs, FPS
Summary of change Congressional (1997 - 1998)

	Pos.	FTE	BA (\$000)
1997 Enacted VCRP	282	269	\$25,224
1998 Adjustments to base:			
Increases (Automatic, non-policy):			
1998 Pay Raise and locality pay increases (2.8%)	0	0	301
Annualization of 1997 pay raise (3.0%)	0	0	45
Within-grade increases (WGS)	0	0	108
General Pricing Level Adjustments (2.6%)	0	0	12
Annualization of 1997 program increases	0	7	445
Total Increases	0	7	911
1998 Base	282	276	26,135
1998 Estimate	282	276	26,135

**Federal Police Strike
Violent Crime Reduction Program - 173
Justification of Adjustments to Base
(dollars in thousands)**

1998 Adjustments to Base:

Increases (Automatic and Policy):

	Est.	MT	Amount
1. 1998 pay raises.....	\$301
This request provides for the proposed 2.8 percent pay raise to be effective in January of 1998 and is consistent with Administration policy included in the 1998 President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$301,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$226,000 for pay and \$85,000 benefits = \$301,000).			
2. Equalization of 1997 pay raises.....	45
This pay equalization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested \$45,000, represents the pay amounts for three quarters of the year (\$33,000 for compensation and \$12,000 for benefits).			
3. Within-grade increases.....	108
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition or separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$78,900 for pay and \$29,100 for benefits.			
4. General across-the-board adjustments.....	12
This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.0 percent against those subject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs, and utilities.			

Increase (Automatic Non-Political)		Page	of	Amount																											
5.	Annualization of 30 positions approved in 1997. This provides for the annualization of 30 additional positions provided in 1997 Congressional Action for activations of new prisons. This request includes nonrecurring costs for one-time items associated with the increased positions.	...	7	\$445																											
<table><tr><th></th><th>Approved 1997 Increases</th><th>Annualization Required</th></tr><tr><td>Annual salary rate of 30 approved positions.....</td><td>\$1,227</td><td></td></tr><tr><td>Less Lapse.....</td><td>286</td><td>\$286</td></tr><tr><td>Net Compensation.....</td><td>941</td><td></td></tr><tr><td>Associated employee benefits.....</td><td>419</td><td>127</td></tr><tr><td>Travel and transportation of persons.....</td><td>40</td><td></td></tr><tr><td>Supplies and materials.....</td><td>45</td><td>47</td></tr><tr><td>Equipment.....</td><td>19</td><td>(15)</td></tr><tr><td>Total, costs subject to annualization.....</td><td>1,464</td><td>445</td></tr></table>						Approved 1997 Increases	Annualization Required	Annual salary rate of 30 approved positions.....	\$1,227		Less Lapse.....	286	\$286	Net Compensation.....	941		Associated employee benefits.....	419	127	Travel and transportation of persons.....	40		Supplies and materials.....	45	47	Equipment.....	19	(15)	Total, costs subject to annualization.....	1,464	445
	Approved 1997 Increases	Annualization Required																													
Annual salary rate of 30 approved positions.....	\$1,227																														
Less Lapse.....	286	\$286																													
Net Compensation.....	941																														
Associated employee benefits.....	419	127																													
Travel and transportation of persons.....	40																														
Supplies and materials.....	45	47																													
Equipment.....	19	(15)																													
Total, costs subject to annualization.....	1,464	445																													
Total Adjustment to Base.....		...	7	\$911																											

Federal Prison System
Violent Crime Reduction Programs
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1986 Actual		1987 Request		1988 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grades and salary (range)								
GS-14 \$84,655-\$93,822	7		7		7		0	0
GS-13 \$64,639-\$71,017	40		45		45		0	0
GS-12 \$43,936-\$46,725	9		9		9		0	0
GS-11 \$31,330-\$40,631	202		227		227		0	0
GS-10 \$21,385-\$31,167	2		2		2		0	0
GS-09 \$21,897-\$31,967	2		2		2		0	0
GS-08 \$23,335-\$30,264	1		1		1		0	0
1987 pay increase		\$0		\$322		\$322		\$322
1059 pay increase		\$0		\$0		\$301		\$301
Total appropriated positions	262	13,102	282	\$13,267	282	\$13,266	1	1
Pay above scaled annual rates		16		59		60		1
Lapses	(199)	(8,856)	(23)	(1,310)	(16)	(612)	7	388
Savings due to lower pay scales part of year				(66)		(75)		(9)
Net full-time permanent	63	4,262	259	13,970	276	14,381	7	361
Average GS Grade		11.36		11.36		11.36		
Average GS Salary		\$40,686		\$42,113		\$43,292		
Object Class								
11.1 Full-time permanent	63	\$4,262	259	\$13,970	276	\$14,381	7	391
11.5 Other Personnel Compensation		22		665		704	19	19
11.8 Special Personnel Compensation				672		672		0
12 Personnel benefits		1,419		5,053		5,194		141
21 Travel				131		131		(13)
23.3 Communications, utilities & misc. charges				28		28		(28)
24 Printing and reproduction				8,317		8,317		(1)
25 Other direct expenses				5,116		5,116		(63)
26 Supplies and materials		12		20		19		(1)
31 Equipment				32,953		28,135		(6,859)
Total obligations		5,715		7,769		0		0
Unobligated balance, start-of-year		0		7,769		0		0
Unobligated balance, end-of-year		7,769		0		28,135		28,135
Total Requirements		13,484		28,224		28,135		28,135
Relation of obligations to outlays:								
Total obligations		5,715		32,893		28,135		28,135
Total outlays		804		4,200		4,200		4,200
Obligated balance, end-of-year		(804)		(4,200)		(4,847)		(4,847)
Obligated balance, start-of-year								
Obligated balance, end-of-year		5,111		28,397		28,488		28,488
Outlays								

Federal Prison System
Buildings and Facilities
Estimates for Fiscal Year 1998
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Federal Prison System
BUILDING AND FACILITIES
FUNDING REQUEST
FISCAL YEAR 1998

The Federal Bureau of Prisons (BOP) is requesting for 1998, a total of \$492,833,000, 204 positions, and 291 workyears for Buildings and Facilities. This request represents an increase of 7 positions and 6 workyears, and a net decrease of \$142,887,000 from the 1997 enacted level.

The mission of the BOP is to protect the public by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, and appropriately secure, and which provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. The BOP currently manages 100 facilities in all regions of the country. As of January 9, 1997, BOP supervised 106,358 inmates, including nearly 94,000 in BOP facilities and more than 12,000 federal inmates in community corrections centers, contract detention centers, other contract facilities, and home confinement. By the end of year 2001, we project an increase of 29 percent in the total population to 136,676.

There are two major appropriations for BOP Buildings and Facilities and Salaries and Expenses. The purpose of the Buildings and Facilities appropriation is to enable construction of a safe and secure environment which provides a complete range of program and activities for improving offenders' capabilities to achieve a law-abiding life. The purpose of the Salaries and Expenses appropriation is to maintain existing facilities thereby protecting capital investment. Hence, the Buildings and Facilities appropriation has two distinct units, (1) New Construction and (2) Modernization and Repair. The request for funding to accomplish major initiatives are summarized under each section unit.

The BOP has fully reviewed the status of construction on previously funded projects. In addition, BOP personnel reevaluated those projects for which site and planning funding has already been provided to determine if construction monies could be obligated in 1998 or whether the construction funding request should be deferred. The projects for which funding is requested in 1998 will allow BOP to maintain the necessary capacity expansion to keep pace with inmate population growth and increase the security at two U.S. Penitentiaries by converting dormitory housing to cells.

New Construction

For sentenced federal offenders, \$10,415,000 is requested to build a 900 bed high security facility and to complete a 256 bed minimum security facility at Castle Air Force Base, California. Preliminary funding (\$11,000,000) was provided in 1996 for site and planning at Castle. Currently, the project is in the design phase. The project is a high security facility which will house inmates who are considered high risk. The facility will be a state of residence as practicable. Therefore, construction of a high security facility in this area will allow BOP to better manage the influx of West coast gang members and other disruptive groups entering the Federal Prison System from this region. In addition, this facility will take advantage of existing infrastructure due to military base closures and minimize costs associated with purchasing this land.

Scheduled New Construction

	Fy81	Work- Year	Amount \$1,000's
Castle Air Force Base, California High and Minimum Security Facilities.....	6	3	\$120,615
Total, New Construction.....	6	3	120,615

The BPO has an ongoing Modernization and Repair (MAR) program for the replacement and/or rehabilitation of obsolete structures and plant facilities. The program has been operating since 1970; during this time, BPO has experienced historical levels of activity requiring approximately \$30 million per year in capital expenditures. For 1998, an increase of \$16,707,000 is being requested for its facilities, which subjects the physical plants to heavier than normal use. For 1999, an increase of \$16,707,000 is being requested for modernization and repair funds to convert dormitory style housing into single cells at the U.S. Penitentiaries at Lewisburg and Lampas. This style housing does not provide an appropriate level of security for some of the most dangerous felons in the Federal Prison System. Open dormitories do not allow for securing inmates in the unit, and pose management, safety and security problems. The request is as follows:

	<u>Pos.</u>	<u>Work- Year</u>	<u>Amount \$ (000's)</u>
Convert Dorms to Cells at 2 U.S. Penitentiaries (Louisburg and Leppos).....	2	2	\$16,707
Total, Modernization and Repair.....	2	2	16,707

Buildings and Facilities

Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Buildings and Facilities

For planning, acquisition of sites and construction of new facilities; remodeling, repair and maintenance of existing facilities; purchase and acquisition of facilities and equipment; siting, design, construction, equipping of such facilities for penal or correctional use, including all necessary expenses incident thereto, by contract or force account; and contracting, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account.

The total amount available to carry out the authorized activities provided for herein shall be \$70,000,000, which shall be available to carry out the authorized activities provided for herein until expended. That portion of United States prisoners may be used for work performed under this appropriation as deemed appropriate by the Attorney General, subject to the following conditions:

(1) Not more than ten percent of the funds appropriated to "buildings and facilities" in this Act or any other Act may be transferred to "salaries and expenses," except upon notification by the Attorney General to the Committee on Appropriations of the House of Representatives and the Senate in accordance with provisions of Public Law 86-369.

(2) Not more than five percent of the total appropriation shall be available for the renovation and construction of United States Penitentiary, Federal Reformatory for Women, and Federal Prison for Women at Leavenworth, Kansas, and Federal Prison for Women at Maricao, Puerto Rico.

18 U.S.C. 6003, 6009, 6010, 6013(a)(4), 6042, 6122; Department of Justice Appropriations Act, 1997.

Explanation of Changes:

1. In Fiscal Year 1998, all resources in the Buildings and Facilities appropriation for renovation of the United States Marshals Service (USMS) prisoner holding cells are transferred to the USMS appropriation. This includes \$2,300,000 from the Buildings and Facilities base.

Federal Prison System
Buildings and Facilities
Crosswalk of 1997 Changes
Dollars in Thousands

Activity / Program	1997 President's Budget Request			1997 Congressional Actions			Reprogrammings			1997 as Enacted		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
1 New Construction	166	162	\$209,632	6	3	100,000	0	0	0	172	165	\$309,632
2 Modernization and Repair of Existing Facilities	120	120	86,068	0	0	0	0	0	0	120	120	86,068
Total	286	282	\$295,700	6	3	100,000	0	0	0	292	285	\$395,700

*Congress added \$100 million above the request for the construction of an additional US Penitentiary in the Mid-Atlantic Region

Federal Bureau of Prisons
Buildings and Facilities
Summary of Requirements
(Dollars in thousands)

Adjustments to Base		Perm Work-		Amount	
		Pos	years		
1997 as Enacted		292	285	395,700	
Increases (Automatic, non-policy)		0	7	3,528	
Decreases (Automatic, non-policy)		(6)	(6)	(281,417)	
Transfer USMS Holding Cells Base to USMS		0	0	(2,300)	
1998 Base		286	286	115,511	
Program Changes (See Program Narrative for Details)		6	5	137,322	
1998 Estimate		294	291	252,833	
Estimates by Program		1996 Enacted		1996 Actual	
		Perm	Pos	Perm	Pos
		Pos	Amount	Pos	Amount
New Construction		188	179	188	147
Modernization and Repair		120	120	117	117
		308	299	305	264
Other Workyears		0	0	0	0
Holiday/Overtime		308	294	273	295
		1997 Enacted		1998 Estimate	
		Perm	Pos	Perm	Pos
		Pos	Amount	Pos	Amount
New Construction		188	172	169	172
Modernization and Repair		120	120	122	122
		308	292	291	294
Other Workyears		0	0	0	0
Holiday/Overtime		308	294	300	300
		1998 Base		Increase/Decrease	
		Perm	Pos	Pos	Amount
		Pos	Amount	Pos	Amount
New Construction		166	166	6	3
Modernization and Repair		120	120	2	2
		286	286	6	5
Other Workyears		0	0	0	0
Holiday/Overtime		295	295	5	5

Federal Prison System
Business Management
Program Performance Information
Government Performance and Results Act Requirements

Mission: The Federal Bureau of Prisons (BOP) protects society by confining offenders in the controlled environments of prisons and community based facilities that are safe, humane, and appropriately secure, and which provide work and other self improvement opportunities to assist offenders in becoming law-abiding citizens.

General Goals:

- 1) BOP will proactively manage its offender population to ensure safe and secure operations.
- 2) BOP will maintain its facilities in operationally sound conditions and in compliance with security, safety and environmental requirements.

**Federal Prison System
Buildings and Facilities
Program Performance Information**
(Dollars in thousands)

ACTIVITY:	NEW CONSTRUCTION				Amount (\$000)
		Per- cent	FTE		
		172	165		\$309,432
		166	166		27,963
		172	166		156,278
		6	3		120,815

New Construction and Expansions
1997 Enacted
1998 Base
1998 Estimate
Increase/Decrease

BASE PROGRAM DESCRIPTION: The Bureau of Prisons continuously reviews capacity requirements, considering the projected inmate population level, current law enforcement initiatives, geographic origin of the confined population, and the age and condition of present facilities. As Federal inmate population levels are projected to exceed the capacity of the Bureau of Prisons, every possible action is taken to keep institutional overcrowding at manageable proportions to ensure that Federal inmates continue to serve their sentences in a safe and humane environment.

The Federal Prison System (FPS) is at the end of the administration of justice pipeline. Most other criminal justice agencies have at least some degree of discretion in controlling their workloads, typically through priority systems developed to ensure that the important cases are handled. Prison systems, however, have virtually no discretion and must accept all inmates sentenced to confinement by the courts.

There has been a substantial increase in Federal law enforcement, prosecutorial and adjudication activity during the past decade. Time served in prison increased significantly, especially for drug-related offenses. The Federal Prison System has responded by increasing the number of inmates and the amount of time inmates must serve in prison. Low, however, BOP's population growth is more sensitive to changes in rate of admissions and less sensitive to changes in sentencing which occurred in the last decade. To accommodate the increasing population in the most cost effective manner, the BOP follows a policy of adding capacity through the utilization of contract facilities, expansion of existing facilities, the acquisition and conversion of military and other properties to prison use, and the construction of new prisons.

ACTIVITY: MODERNIZATION AND REPAIR

	Perms. 1984	LFE	Amount 1980\$
Modernization and Repair of Existing Facilities			
1997 Enacted	120	120	\$6,068
1998 Base	120	120	87,343
1998 Estimate	120	120	100,000
Increase/Decrease	0	0	12,657

BASE PROGRAM DESCRIPTION: The Modernization and Repair (MDR) program provides the resources to undertake essential rehabilitation and renovation or replacement projects at existing institutions to ensure that structures, utilities systems, and other plant facilities are kept in a good state of repair. Proper maintenance, modernization and repair of our existing institutions is essential. Failure to adequately maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required maintenance and repair. Most important, failure to maintain structures can cause direct and/or indirect security problems.

Work is identified by two specific categories of projects: major line item requirements (projects valued at \$500,000 or more) for which funds are specifically requested by project; and repair and improvement (RI) requirements (projects valued at \$10,000 to under \$500,000). RI projects address immediate needs resulting from routine repairs, emergencies, correctional program changes, etc., and are considered the base requirements for this program.

Most maintenance and repair projects are performed using inmate crews. This provides work for inmates and labor for the work performed. Inmate work crews require staff supervision to direct the work being performed and for obvious security reasons. Thus, nearly every project large enough to be listed as a line item, regardless of the number of projects per location, will require staff positions and workyears.

Of 86 BOP institutions, 19 are over 50 years old and more than 40 facilities are over 30 years old. As these facilities age, they require continual maintenance and repair. The Department of Corrections (DOC) standards. Moreover, prison facilities are subjected to heavier than normal use, especially during periods of high overcrowding.

BOP classifies MDR projects under six categories (Life Safety, General Improvements, Major Renovations, Utility Improvements, Hazardous Waste and Energy Savings). Within each of these categories are special projects to meet various regulations and codes requirements. Life Safety projects are required to meet various codes and standards and are usually completed within a specific time period. General Improvements projects are established to modernize and/or improve specific areas within a room or building. Major renovation projects are required when entire areas, such as kitchens, or buildings require total rehabilitation of structures, such as walls, utilities, and equipment. Utility improvement projects are established to modernize or replace utilities, such as water pipes and electrical systems. Hazardous waste projects are established to abate hazardous waste, such as asbestos and lead, through removal, encapsulation, and other methods as necessary. Energy savings projects are established to conserve energy by using more energy efficient equipment and systems. Every project is assigned a priority rating. Projects are ranked from highest to lowest priority based on the Department's 1998 and Executive Order No. 12002, March 8, 1998, which mandates federal agencies to reduce energy consumption by 10 percent of the 1985 base BTU consumption per square foot by 1995 and by 30 percent from the 1985 base by 2005.

These categories may each contain other subcategories of projects, such as Accessibility, Environmental and other projects to meet specific needs. For example, General Improvement projects and Major Renovation projects may each contain subcategories. Life Safety projects, Utility projects, and Energy Savings projects are required for the BOP to be in compliance with environmental and safety regulations required by the Environmental Protection Agency (EPA) and the Office of Safety and Health Administration (OSHA).

INITIATIVES

New Construction and Expansions

Castle AFB, CA - High (960 beds) with Minimum (256 beds)

Total, New Construction and Expansion Initiative (1,216 beds)

Perme. Est.	ELI	Amount \$0000
6	2	9,120,635
6	3	120,615

Proposed Actions

This initiative seeks to address the following objectives:

- 1) Continue increasing capacity, keeping pace with projected increases in the inmate population and simultaneously reducing prison overcrowding to a more manageable level.
- 2) Prepare designs for new facilities.
- 3) Construct new Federal prisons and expand existing Federal prisons as required.
- 4) Begin construction of a new high security facility with a minimum security facility, which will add a total of 1,216 beds to capacity.

End of Year (EOY) Population, Capacity, and Overcrowding Rates at BOP Facilities
FY 1981 to Current

	1981	1985	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1/9/97
EOY Population.....	26,195	36,001	44,194	44,142	51,153	58,021	64,131	70,670	79,799	85,860	90,139	94,695	95,910
EOY Rated Capacity..	23,643	25,312	27,654	28,145	31,791	34,252	42,531	48,534	57,684	64,791	72,059	76,442	76,971
Percent Overcrowded..	11%	41%	59%	57%	61%	69%	51%	46%	39%	33%	25%	24%	25%

As illustrated in the above table the Federal inmate population in BOP facilities was 26,195 in 1981, and by January 9, 1997, the Federal inmate population in BOP facilities had more than tripled to nearly 96,000. In addition, BOP supervises over 10,400 inmates in community corrections centers, contract detention centers, other contract facilities, and home confinement.

The dramatic growth in the Federal inmate population over the last decade is attributed to increases in both the number of new admissions and the average time served per inmate. In general, earlier in the decade the driving force was the increased rate of admissions. Then, because of sentencing legislation, the increase in average time served became a much greater factor in causing BOP population growth. BOP's current growth is more sensitive to changes in rate of admissions and less sensitive to changes in sentencing which occurred in the last decade.

By the end of fiscal year 2006, the BOP institution population is expected to reach 128,103 (the table includes Federal inmates only, and does not include District of Columbia inmates with the administration is proposing to transfer to the Federal Prison System in three to five years). With the activation of nearly 29,000 beds and current policy changes, the capacity of the Federal Prison System will increase to 104,616 by 2008. As illustrated in the following table, resources approved/requested through 1998 should have a dramatic impact on the overcrowding rate in Federal prisons. The year-end capacity in this table ties to the date by which the majority of beds are available for inmates.

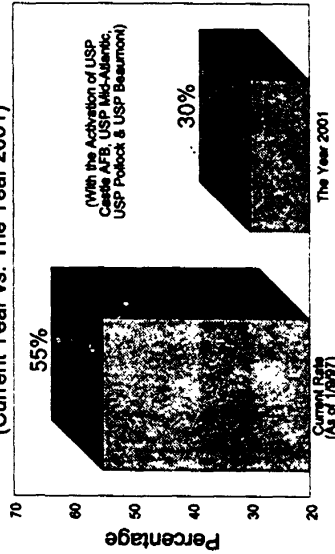
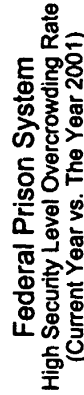
	1996 (Actual)	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
App. Facilities	76,442	76,442	82,886	91,703	97,779	101,484	104,816	104,816	104,816	104,816	104,816
Approved Capacity	4,403	6,444	10,817	4,076	3,707	3,330	0	0	0	0	0
Approved/Undeveloped	82,886	69,998	93,703	97,779	101,486	104,816	104,816	104,816	104,816	104,816	104,816
Subtotal Capacity	76,442	82,886	93,703	97,779	101,486	104,816	104,816	104,816	104,816	104,816	104,816
Subtotal Occupancy	98,243	98,243	98,243	107,779	114,484	117,616	120,816	122,816	124,816	126,816	128,816
Percent Overcrowded	28.3%	19%	5%	12%	12%	12%	15%	17%	19%	21%	22%
Total Federal Prison	108,443	110,616	116,762	122,328	127,980	130,901	133,840	136,643	139,462	142,303	145,203

Total Federal Prison

From a cost perspective, the expansion of existing institutions is the least expensive technique for increasing pig capacity, and the GOP is currently utilizing additional institutional facilities. However, the expansion of existing institutions can absorb further population increases. As the number of existing institutions grows, the cost of new construction will increase. When existing institutions are already saturated, expansion may approach the cost of newly constructed facilities.

For FY 1998, \$120,615,000 is requested to build a 900 bed high security facility with a 256 bed minimum security facility at Castle AFB, California. Preliminary funding of \$1,000,000 has been provided in FY 1997 for planning and design. The proposed facility will allow for the construction of a high security facility in this area will allow BOP to better manage the influx of West coast gang members and other disruptive groups entering the Federal Prison System. In addition, this facility will take advantage of existing infrastructure due to military base closures and minimize costs associated with purchasing land.

As of January 9, 1997 the total federal inmate population was 106,358, with a system-wide average crowding rate of 25 percent over capacity. BOP's population projections show an increased need for additional higher security level facilities, as the numbers of violent offenders entering the prison system have increased, and this trend is expected to continue. Further, BOP is experiencing a significant increase in the number of street gang members being incarcerated. BOP's population projections show that high security level facilities are currently 53% overcrowded. However, overcrowding at high security level facilities is expected to be reduced to 30% by the year 2001 with the activation of Cape Henry, Mid-Atlantic Region facility, and additional high security level facilities to manage the more violent inmate population.



PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL
(\$000)

GENERAL GOAL 1: BOP will proactively manage its offender population to ensure safe and secure operations.

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS					
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Target	1998 Estimate	1998 Target
Input	1. Funds obligated to construct new facilities	\$579,685	\$338,064	\$321,144	\$338,900	\$338,900	\$339,600
	2. Number of new construction FTEs	196	161	147	165	165	169
Output/Activity	3. # of Beds Added (BOP facilities)	6,918	7,288	4,403	6,444	6,444	10,817
	4. End of Year Capacity (BOP facilities)	64,751	72,039	76,442	82,886	82,886	93,703
Intermediate Outcome	5. Number of EIS/EA	3	3	2	2	2	1
	6. Designs completed	7	7	7	6	6	6
	7. Number of major construction awards	6	5	4	8	8	8
	8. Number of new facilities completed	4	8	4	6	6	7
End Outcome	9. Overcrowding Level	33%	25%	24%	19%	19%	12%

B. Factors Affecting FY 96 Program Performance.
Delay in construction of projects caused by bad weather, legislative and policy changes.

C. Factors Affecting Selection of FY 97 and 98 Targets.
Delay in construction of projects caused by bad weather, proposed Bills, legislative and policy changes.

Modernization and Repair			Perms. Fees	LFE	Amount (\$,000)
Convert Dorms to Cells at 2 USPs (Lewisburg, PA and Lompoc, CA)			2	2	\$16,707
Total, Modernization and Repair Initiative			2	2	16,707

Proposed Action

This initiative seeks to address the following objectives:

1. Repair and renovate facilities as required.
2. Increase the security at two U.S. Penitentiaries by converting dormitory housing to cells.
3. Comply with all requirements of the National Fire Protection Association (NFPA), 101 Life Safety Code pertaining to penal facilities.
4. Comply with all Federal and State Environmental Regulations.
5. Bring applicable utilities into compliance with National Electrical Code and American Waterworks Standards and ensure safety and security of facilities.
6. Modernize antiquated Federal prisons.

USP Lewisburg, USP Lompoc - Convert Dorms to Cells

For this project, \$16,707,000 is requested to convert open style dormitory housing to cells at two high security U.S. Penitentiaries. The USPs at Lewisburg and Lompoc have open dormitory housing units which do not allow for securing inmates within the unit. USP Lewisburg has 216 high security inmates in dormitory settings who should be in secure cells and USP Lompoc has 208 such inmates. These dormitories pose management, safety and security problems. In addition, the physical areas are older and require renovation. The plumbing systems require high maintenance due to their age and condition. The electrical systems are also energy inefficient. Current steel frame single pane windows are rusting and are easily vandalized and can not handle the present demands. This project will convert these dormitory areas to single cell units with steel security doors and provide space for unit team offices and inmate programs. Structural, architectural and utility improvements will be performed on each dorm. This includes window replacement, plumbing for each cell as well as replacement of the heating/ventilation systems and updating of the electrical systems. These projects will require A/E services and contractors to complete the construction.

PERFORMANCE MEASUREMENT TABLE PRESENTED BY GENERAL GOAL
(\$000)

GENERAL GOAL 2 BOP will maintain its facilities in operationally sound conditions and in compliance with security, safety and environmental requirements

PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS					
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Estimate	1998 Target	
Input	1. FTE for M&R	135	119	117	120	120	122
	2. Funds obligated for M&R	\$94,667	\$107,495	\$79,250	\$81,629	\$81,629	\$84,077
Output/Activity	3. Total projects established	358	352	385	450	450	405
	4. Special projects established	89	112	56	65	65	59
	5. Contracts for Wireless equipment	0	0	0	0	0	0
Intermediate Outcome	6. Projects completed and closed	402	343	400	415	415	430
	Total projects	74	65	73	76	76	78
	Special projects						
	7. Projects active at the end of the year	1,011	1,020	1,005	1,040	1,040	1,015
	Total projects	192	239	222	211	211	192
	Special projects						

A. Definitions of Terms or Explanations for Indicators:

Indicators 4,6 and 7 - Special projects include Life Safety, Accessibility, Environmental and Energy projects

B. Factors Affecting FY 95 Program Performance.

Indicator 7 - Emergency projects and changing priorities

C. Factors Affecting Selection of FY 93 and 97 Targets.

M&R funding, changes to codes, regulations, and laws Only five projects of more than \$500,000 were requested in FY 1996 and none were requested in FY 1997
Indicators 3 and 6 - A policy increasing the minimum dollar amount to fund R&I projects from \$4,000 to \$10,000 is being implemented in FY 1998 A decrease resulting from this change will be offset by the increasing number of BOP facilities

Federal Prison System
Buildings and facilities
Financial Analysis - Program Changes
(Dollars in thousands)

1961

Item	New Construction			Modernization & Repair of Existing Facilities			Total	
	Pos.	Oblig.	Budget Auth.	Pos.	Oblig.	Budget Auth.	Pos.	Budget Auth.
GS-12.....	3	\$134	.....	1	\$45	.....	4	\$179
GS-11.....	3	111	.....	1	37	.....	4	148
Total positions and annual rate.....	6	245	.....	2	82	.....	8	327
Lapse.....	(3)	(125)	.....			.....	(3)	(125)
Total workyears and personnel compensation.....	3	\$120	\$720	2	\$82	\$164	5	\$202
Personnel benefits.....	.....	54	324	.....	36	72	.....	90
Travel and Transportation of persons.....	.....	25	75	.....	0	0	.....	25
Transportation of things.....	.....	45	75	.....	0	0	.....	45
Rental payment to others.....	.....	5	15	.....	0	0	.....	5
Comm. utilities and miscellaneous.....	.....	15	45	.....	0	0	.....	15
Printing and reproduction.....	.....	5	15	.....	0	0	.....	5
Other services.....	.....	98,000	119,283	.....	16,471	16,471	.....	114,471
Supplies and materials.....	.....	10	30	.....	0	0	.....	10
Equipment.....	.....	11	33	.....	0	0	.....	11
Total program workyears and obligations changes requested, 1968.....	3	\$98,290	\$120,615	2	\$16,589	\$16,707	5	\$114,879
								\$137,322

Note: This exhibit is prepared by Initiative.

Federal Prison System						
Buildings and Facilities			Status of Program			
Status of Construction (dollars in thousands)		Total Current Cost Estimate or Actual	Status - January 1997 - Congressional Submission (FY 98) Col 18	Status of Program		
Funds Status						Estimated Activation Date
Total Capacity	New Construction	Fiscal Year	Amount	Total Funding		
New Facilities:						
Brooklyn, NY MDC (1,229).....	1989 \$52,000			\$172,511	Permanent MDC (1,229) - 72% Complete	3/98
	1990 71,000					
	1991 37,500					
	93-94 12,011					
Butner, NC (1,755).....	1990 160,000			160,233	Low (992) - Complete	3/98
	1991 8,700				Other (250) - 64% Complete	3/98
	93-94 (8,467)				Medical (513) - 64% Complete	3/97
Elkton, ON (2,048).....	1990 54,600			82,181	Minimum (512) - 92% Complete	3/97
	1991 22,800				Low (1,536) - 92% Complete	3/97
	1994 2,781					
Georgetown, TX Complex (4,166).....	1990 187,000			249,923	Minimum (512) - 54% Complete	8/97
	1994 4,173				Low (1,354) - Complete	9/98
	1995 40,000				Medium (1,152) - 92% Complete	1/97
	1996 87,861				High (660) - 99% Complete	1/97
Seattle, WA FDC (877).....	1990 67,200			72,000	94% Complete	2/97
	1994 4,800					
Columbus, FL FCC (3,194).....	1990 148,500			156,412	Minimum (512) - 50% Complete	12/97
	1994 2,291				Low (1,354) - Complete	
	1995 5,641				Medium (1,164) - Complete	
Hawaii MDC (300-500).....	1991 10,300			74,700	EIS Complete; Initiating Design	2000
	1996 14,253					
	1997 30,147					
Houston, TX MDC (670).....	1992 54,900			50,000	Out for Bid	1999
	1995 (4,900)					

1963

Status of Construction (Dollars in thousands)		Total Current Estimate or Actual		Status - January 1997 - Constructional Submission (1/ 98)		Estimated Activation Date	
				Estimate	To Date		
					Stage of Program		
Total Capacity		Total Funding					
New Facilities: (Cont)							
Total Capacity		Total Funding					
New Facilities: (Cont)		Total Funding					
Philadelphia, PA MDC (757).....		1992	\$81,950	\$81,950	\$18,169	Major Construction Contract Awarded	1999
Edgefield, SC FCI (1,664).....		1992	67,300	85,470	80,013	Medium (1,152) - 60% Complete	12/97
		1995	18,170			Minimum (512) - 60% Complete	1/97
Scranton, PA, Minimum Female (512)...		1992	40,800	40,800	478	Reviewing Sited/ALE Procurement on hold	1999
Pellock, LA USP (1,216).....		1992	8,500	94,953	4,911	Minimum (256) - In Design	2000
		1995	79,753			High (860) - In Design	2000
		1996	6,700				
Yasoo City, MS FCI (1,536).....		1993	63,800	66,167	66,167	97% Complete (Activation process began 12/96)	1/97
		1994	2,367				
Forrest City, AR FCI (1,792).....		1993	69,292	77,587	64,203	Low (1,536) - 90% Complete	1/97
		1995	12,295			Minimum (256) - In Design	1999
		1995	2,295			(62,295 increase for inmate work program)	
Lee County, VA USP (1,216).....		1995	550	97,100	914	Construction funds provided in 96 Conf. Report	2000
		1996	96,550				
Mid-Atlantic Facility USP (1,216)...		1996	13,350	112,350	125	Construction funds provided in 97;	2001
		1997	100,000			Site Search in process	
Acquired Facilities:							
Carmel, IN (962).....		1990	52,000	52,248	46,197	Medical (302) - 70% Complete	3/98
		1994	(6,400)			Minimum (148) - 60% Complete	3/98
		1995	1,248			Low (512) - 70% Complete	4/98
		1997	1,500			Food (1,152) - Approved Reprogramming	4/98
Devere, MA Complex (1,242).....		1993	32,683	106,956	84,708	Medical Center (282) - 52% Complete	8/98
		1994	74,273			Minimum (256) - In Design	1999
		1995				Low (512) - 52% Complete	8/98
		1996				Medium (192) - 52% Complete	8/98
Western Region FCI/George AFB Female Camp (1,920).....		1990	15,700	120,700	9,395	Minimum, Female (768) - Out for Bid	1999
		1995	8,000			Medium (1,152) - Out for Bid	1999
		1997	97,000				
Castle AFB, CA USP (1,216).....		1996	11,000	11,000	95	Initiating ALE Procurement	2000

J/ Inmates are present, however construction continues in other areas of the facility.

1964

Total Capacity	Fund Status		Status of Construction (dollars in thousands)		Estimated Activation Date	
	New Construction		Total Costs	Status - January 1997 - Conceptual Submission (if 98) Oblis.		
	Fiscal Year	Amount	Total Funding			Estimate or Actual
Expansion of existing facilities:						
	1990	\$1,000	\$1,000	\$42	25% Complete	3/97
	1992	10,001	10,001	10,285	90% Complete	1/97
	1995	7,250	7,250	616	In Design	9/98
	1995	8,370	8,370	6,493	8% Complete	4/98

APPROVED/FUNDED RATED CAPACITY REQUIREMENTS BY FISCAL YEAR

	1997	1998	1999	2000	2001	2002	2003	2004	2005	TOTAL
NEW FACILITIES										
Left.....	2,048									
Beaumont, TX (Minimum & USP).....	1,412									
Beaumont, TX (Low).....	1,412									
Forrest City, AR (Low).....	1,534									
Yakoo City, NG.....	1,534									
Seattle, WA Detention Center.....	677									
Ellen, WI Camp.....	150									
ADDITIONAL CAPACITY										
Wesaco, WA.....	376									
Beaumont, TX (Low).....	1,034									
Beaumont, TX (Medium).....		1,152								
Opelousas, LA (Minimum & Medium).....		1,152								
Beaumont, TX Detention Center.....		1,250								
Colman, TX (Minimum).....		512								
Burmer, NC Medical.....		763								
FT. Devens, MA (Medical, Low & Medium).....		966								
Morgantown, WV Expansion.....		320								
Carroll, IA (Low).....		112								
Carlisle, PA Expansion.....		200								
Philadelphia, PA.....			737							
Houston, TX.....			670							
Scranton, PA (Minimum & Female).....			512							
Forrest City, AR (Minimum).....			256							
FT. Devens, MA (Minimum).....				1,920						
Western Facility/George AFB, CA (Medium & Female Minimum).....					1,216					
Pollack, LA (Minimum & USP).....				1,216						
Carlisle, PA (Minimum & USP).....				1,216						
Castle AFB, CA (Minimum & USP).....				1,216						
MOC Hawaii.....				500						
Mid-Atlantic Region Facility (Minimum & USP).....					1,216					
Other Changes.....										1,134
TOTAL APPROVED/FUNDED CAPACITY	10,879	7,238	6,371	6,148	1,216	0	0	0	0	28,966

The year-end capacity, illustrated in the table above is consistent with the lead time necessary for activations, although the majority of beds may not be available until three to six months later.

1966

Federal Prison System
Buildings and Facilities
Priority Ranking
Fiscal Year 1988

Program	Base Program	Ranking	Program	Program Increases	Enhancement	Ranking
Modernization and Repair of Existing Facilities		1	Modernization and Repair *		Convert Dorms to Cells at 2 USPs	1
New Construction		2	New Construction		Castle AFB, CA High with Minimum	2

* Please note For Modernization and Repair, specific detailed project information is contained in the Program Changes exhibit

Federal Prison System
Buildings and Facilities
Detail of permanent positions by Category
Fiscal Years 1996 - 1998

Category	1996 Authorized	1997 Enacted	1998 Changes	Request
General Administration Clerical and Office Services (300-399)	30	24	1	25
Accounting and Budget (500-599)	8	8	0	8
Engineering and Architecture Group (800-899)	162	154	1	155
Business and Industry Group (1100-1199)	70	68	0	68
Ungraded (mechanical and construction)	38	38	0	38
Total	308	292	2	294
Washington	53	42	1	43
U.S. Field	255	250	1	251
Total	308	292	2	294

1967

Federal Prison System
Buildings and Facilities
Summary of Change (1987-1988)

Item	Pos.	FTE	\$ (000)
1987 Enacted	282	285	395,700
Adjustments to Base:			
Increases (Automatic, non-policy):			
Annualization of 1987 Positions	0	7	0
Annualization of 1987 pay raise	0	0	135
1988 Pay Raise (2.8%)	0	0	378
Within-grade Increase (WIG)	0	0	117
Travel mileage, allowance rate	0	0	2
General Pricing Level Adjustments (2.8%)	0	0	2,477
Oklahoma City FTC Lease increase	0	0	418
Total, Increases	0	7	3,528
Decreases (Automatic, non-policy):			
Positions and workyears associated with closed projects	(6)	(6)	(281,417)
Projects Funded in 1987	0	0	(2,300)
Transfer of USMS Holding Cells base to USMS	(6)	(6)	(283,717)
Total, Decreases			
1988 Base	288	288	115,511
1988 Program Increases:			
New Construction:			
Castle AFB, CA, High(960 beds) with Minimum (256 beds)	6	3	120,615
Total, New Construction Increases (1,216 beds - new capacity)	6	3	120,615
Modernization and Repair:			
Convert Dorms to Cells at 2 USPs (Lewisburg and Lompoc)	2	2	16,707
Total Modernization and Repair Increases	2	2	16,707
Total, Program Increases	8	5	137,322
1988 Estimate	294	291	252,833

1988

1969

Year	Age	Gender
1994	17	Female
1995	18	Female
1996	19	Female
1997	20	Female
1998	21	Female
1999	22	Female
2000	23	Female
2001	24	Female
2002	25	Female
2003	26	Female
2004	27	Female
2005	28	Female
2006	29	Female
2007	30	Female
2008	31	Female
2009	32	Female
2010	33	Female
2011	34	Female
2012	35	Female
2013	36	Female
2014	37	Female
2015	38	Female
2016	39	Female
2017	40	Female
2018	41	Female
2019	42	Female
2020	43	Female
2021	44	Female
2022	45	Female
2023	46	Female
2024	47	Female
2025	48	Female
2026	49	Female
2027	50	Female
2028	51	Female
2029	52	Female
2030	53	Female
2031	54	Female
2032	55	Female
2033	56	Female
2034	57	Female
2035	58	Female
2036	59	Female
2037	60	Female
2038	61	Female
2039	62	Female
2040	63	Female
2041	64	Female
2042	65	Female
2043	66	Female
2044	67	Female
2045	68	Female
2046	69	Female
2047	70	Female
2048	71	Female
2049	72	Female
2050	73	Female
2051	74	Female
2052	75	Female
2053	76	Female
2054	77	Female
2055	78	Female
2056	79	Female
2057	80	Female
2058	81	Female
2059	82	Female
2060	83	Female
2061	84	Female
2062	85	Female
2063	86	Female
2064	87	Female
2065	88	Female
2066	89	Female
2067	90	Female
2068	91	Female
2069	92	Female
2070	93	Female
2071	94	Female
2072	95	Female
2073	96	Female
2074	97	Female
2075	98	Female
2076	99	Female
2077	100	Female
2078	101	Female
2079	102	Female
2080	103	Female
2081	104	Female
2082	105	Female
2083	106	Female
2084	107	Female
2085	108	Female
2086	109	Female
2087	110	Female
2088	111	Female
2089	112	Female
2090	113	Female
2091	114	Female
2092	115	Female
2093	116	Female
2094	117	Female
2095	118	Female
2096	119	Female
2097	120	Female
2098	121	Female
2099	122	Female
2100	123	Female
2101	124	Female
2102	125	Female
2103	126	Female
2104	127	Female
2105	128	Female
2106	129	Female
2107	130	Female
2108	131	Female
2109	132	Female
2110	133	Female
2111	134	Female
2112	135	Female
2113	136	Female
2114	137	Female
2115	138	Female
2116	139	Female
2117	140	Female
2118	141	Female
2119</		

257

- 257

- 135

- 117

- 7

- 2 ..

- 2,477

1970

	Pam.	VI	Amount
7. Oklahoma City Federal Transfer Center (FIC) lease increase. This provides for an increase in lease payments at the Oklahoma City FIC. An additional \$419,000 is provided for increased lease payments associated with costs to complete construction of the Oklahoma City FIC.	...	...	419
Total increases.....	...	7	5,528
Decreases (Automatic, non-policy):			
1. Facilities and vehicles associated with closed projects (Automatic non-policy).....	(6)	(6)	...
2. Projects funded in 1977.....	...	...	(281,417)
3. Transfer 1985 building and lease to URS.....	...	...	(2,300)
Subtotal, decreases.....	(6)	(6)	(283,717)
Total, adjustment to base.....	(6)	1	(280,189)

1971

Federal Prisons System
Buildings and Facilities
Summary of Requirements by Grade and Object Class
(Dollars in Thousands)

Grades and salary ranges	1998 Actual		1997 Enacted		1998 Request		Increase/Decrease	
	Pos. & Wys.	Amount	Pos. & Wys.	Amount	Pos. & Wys.	Amount	Pos. & Wys.	Amount
GS-14 \$64,555-83,922	7		7		7		0	
GS-13 \$54,628-71,017	62		62		62		0	
GS-12 \$45,935-59,725	87		81		81		0	
GS-11 \$38,330-49,831	119		109		111		2	
GS-09 \$31,680-41,185	7		7		7		0	
GS-08 \$28,681-37,289	4		4		4		0	
GS-07 \$25,897-33,697	5		5		5		0	
GS-06 \$23,305-30,284	7		7		7		0	
GS-05 \$20,808-27,183	4		4		4		0	
Ungraded positions	6		6		6		0	
1998 Pay Raise	0	0	0	0	0	379	0	379
Total appropriated positions	308	15,092	292	14,770	294	15,737	2	967
Pay above stated annual rates	0	56	0	48	0	62	0	13
Lapses	(44)	(1,923)	(7)	(357)	(3)	(182)	4	195
Savings due to lower pay scales part of year	0	(102)	0	(86)	0	(87)	0	1
Net full-time permanent	264	13,123	285	14,364	291	15,540	6	1,176
Other than permanent								
Part-time permanent	0	0	0	0	0	0	0	0
Temporary employment	0	0	0	0	0	0	0	0
Other personnel compensation								
Overtime	9	638	9	630	9	660	0	30
Law Enforcement Availability Pay	0	0	0	0	0	0	0	0
Special personal services payments	0	0	0	0	0	0	0	0
Total, workyears and personnel compensation	273	13,761	294	14,994	300	16,200	6	1,206
Average GS/GM Salary		\$49,600		\$49,600		\$49,752		
Average GS/GM Grade		10.6		10.6		10.9		
Average Ungraded Salary		\$38,304		\$39,233		\$40,439		

1972

Federal Prisons System
Buildings and Facilities
Summary of Requirements by Grade and Object Class
(Dollars in Thousands)

Object Class	1998 Actual Wys Amount	1997 Enacted Wys Amount	1998 Request Wys Amount	Increase/Decrease Wys Amount
11 Personnel compensation:				
11.1 Full-time permanent	284	\$13,123	285	\$14,364
11.3 Other than full-time permanent	0	0	0	0
11.5 Other personnel compensation	9	638	9	630
Total	273	13,761	294	14,994
Reimbursable workyears:				
Full-time permanent				
Other Object Classes:				
12 Personnel benefits	3,803	6,508	6,912	404
21 Travel and transportation of persons	1,328	1,379	1,392	13
22 Transportation of things	201	209	211	2
23.2 Rental payments to others	9,166	9,515	9,607	92
23.3 Comm. util. & other misc. charges	5,408	5,812	5,866	54
24 Printing and reproduction	7	7	7	0
25.1 Advisory and assistance services	7,785	8,092	8,170	78
25.2 Other Services	314,758	326,362	329,220	2,858
25.3 Purchases of goods and svc from Gov't accounts	43	45	45	0
25.7 Operation & Maintenance of equipment	1,525	1,583	1,588	15
26.0 Supplies and materials	21,821	22,651	22,870	219
31.0 Equipment	3,930	4,080	4,119	39
32.0 Land and Structures	16,782	17,421	17,589	168
42.0 Insurance Claims and Indemnities	0	0	0	0
43.0 Interest and Dividends	68	71	71	0
Total direct obligations	400,394	418,529	423,877	5,148
Unobligated balance, start of year	(776,283)	(710,597)	(687,768)	
Unobligated balance, end of year	710,597	687,768	516,924	
Total requirements	334,728	395,700	252,833	
Relation of Obligation to Outlays				
Total obligations	400,394	418,529	423,877	
Obligated balance, start of year	613,523	408,060	440,591	
Obligated balance, end of year	(408,060)	(440,591)	(373,385)	
Adjustments in expired accounts	0	0	0	
Outlays	605,857	385,998	490,883	

1973

Department of Justice
Federal Prison System
Federal Prison Industries - Incorporated
Baltimore, Maryland
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Federal Prison System
Federal Prison Industries, Incorporated
Summary Statement
Fiscal Year 1974

The Federal Prison System is requesting for Federal Prison Industries, Incorporated, in FY 1974 a total of 2,011 positions and 1,816 workyears. This request represents an increase of 25 positions and a decrease of 116 workyears from the 1973 level.

Federal Prison Industries, Incorporated (FPI), was created by Congress in 1934 and is a wholly owned Government corporation which operates at no cost to the U.S. taxpayer. FPI is authorized to operate the Federal Prison System, who has jurisdiction over all Federal penal and correctional institutions, is the Chief Executive Officer. Federal Prison Industries reduces undesirable inmate idleness by providing a full-time work program for the inmate population (25 percent of the inmates in 1973). More than 50 percent of the inmate population do not have marketable skills. FPI provides a program of constructive industrial work wherein job skills can be developed and work habits acquired. Earnings from the Corporation's industrial activities are used for all operating costs of the Corporation, including marketing expenses, inmate work areas, compensation of inmates performing in industrial work detail, and compensation to former inmates for injuries they received while in Federal prisons.

A board of six Directors, appointed by the President, reviews and approves the policies of the Corporation, long-range corporate plans, establishment of new industries, and bylaws and capital investments in excess of \$500,000. The Board also makes annual reports to Congress on the conduct of the business of the Corporation and the condition of its funds. General management of the Corporation is vested in a Chief Operating Officer and carried out by a staff of 35 Corporate Management employees located in Washington, D.C. Expenses of this function are subject to Congressional limitation.

There were 17,377 inmates in 95 factories at 59 locations employed on September 30, 1973. Inmate employment is expected to reach 19,657 by September 1977 reflecting the Bureau of Prisons' projected population growth. Inmate manufactures such items as furniture, clothing, electronic cable assemblies, metal and textile products. They also work in service industries such as furniture refinishing, data processing, vehicular component manufacturing, and laundries. All products and services of the Corporation are sold to Federal Agencies. The Department of Defense, the Postal Service, the Veterans Administration, and the General Services Administration are the largest customers. In 1973, an additional 100 inmate employees are anticipated as a result of the projected population increases.

Federal Prison Prisons
Federal Prison Industries, Incorporated
Notification of Proposed Changes to the Appropriation Language

The 1996 budget entries include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Federal Prison Industries, Incorporated

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and amounts heretofore appropriated to it, and to incur such obligations to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

(18 U.S.C. 4121-4123; Department of Justice Appropriations Act, 1997).

Limitation on Administrative Expenses
Federal Prison Industries, Incorporated

Not to exceed [\$3,042,000] (of the funds of the corporation shall be available for its administrative expenses, and for service as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system has been required to account for, and shall not include expenditures for operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

\$3,330,000

(Department of Justice Appropriations Act, 1997).

Explanation of Changes:

substantive changes proposed.

Federal Prison System
Federal Prison Industries, Incorporated
Crosswalk of 1997 Changes
(Dollars in Thousands)

Activity/Program	1997 President's Budget Request		Congressional Actions on 1997 Request		Reprogramming		1997 Enacted	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Federal Prison Industries	1,986	1,980	0	0	0	0	1,986	1,980
Total	1,986	1,980	0	0	0	0	1,986	1,980

515,447
515,447

1977

Federal Prison System
Federal Prison Industries Incorporated
Summary of Resources by Program
(Dollars in Thousands)

Adjustments to Base	1987 as Enacted			1988 as Enacted			1989 Actual			1987 as Enacted			1988 Base			1988 Estimate			Increase/Decrease		
	Perm	WY	Amount	Perm	WY	Amount	Perm	WY	Amount	Perm	WY	Amount	Perm	WY	Amount	Perm	WY	Amount	Perm	WY	Amount
1. Administrative expenses	1,800	1,800	117	1,800	1,800	117	1,800	1,800	117	1,800	1,800	117	1,800	1,800	117	1,800	1,800	117	1,800	1,800	117
2. Cost of production	0	41	117	0	41	117	0	41	117	0	41	117	0	41	117	0	41	117	0	41	117
3. Other expenses	0	15	0	0	15	0	0	15	0	0	15	0	0	15	0	0	15	0	0	15	0
4. Buildings and improvements	1,800	1,800	117	1,800	1,800	117	1,800	1,800	117	1,800	1,800	117	1,800	1,800	117	1,800	1,800	117	1,800	1,800	117
5. Machinery and equipment	25	4	117	25	4	117	25	4	117	25	4	117	25	4	117	25	4	117	25	4	117
Total	2,011	1,845	348	2,011	1,845	348	2,011	1,845	348	2,011	1,845	348	2,011	1,845	348	2,011	1,845	348	2,011	1,845	348
Other Workyears																					
Holiday/Overtime	85	81		85	81		85	81		85	81		85	81		85	81		85	81	
Total, Comparable Workyears	1,926	1,828		1,926	1,828		1,926	1,828		1,926	1,828		1,926	1,828		1,926	1,828		1,926	1,828	

1978

**Federal Prison System
Federal Prison Industries, Incorporated
Financial Information
(In Thousands)**

Mission: It is the mission of Federal Prison Industries to employ and provide skill training to the greatest practicable number of inmates in Federal correctional facilities necessary to ensure the safe and efficient operation of such institutions, and in doing so, to produce market priced, quality goods in a self-sustaining manner that will cause potential impact on private business and labor.

General Goal:

1. Provide services and programs to address inmate needs, providing productive use-of-time activities, and facilitating the successful reintegration of inmates into society, consistent with community expectations and standards.

**Federal Prison Prison
Federal Prison Industries
Manufacturing Division
(Dollars in thousands)**

ACTIVITY: FEDERAL PRISON INDUSTRIES	Percent Expenditures	FY	Amount
1997 Budget	1966	1966	6513,447
1998 Base	1966	1966	517,219
1998 Estimate	2011	1966	522,255
Increase/Decrease	25	0	5,036

BASE PROGRAM DESCRIPTION:

Federal Prison Industries (FPI) reduces undesirable inmate idleness by providing a full-time work program for approximately 25 percent of the eligible inmate population. More than 50 percent of the inmate population do not have marketable skills. FPI provides a program of constructive industrial work wherein job skills can be developed and work habits acquired.

Federal Prison Industries, Inc., is self-supporting. Revenues are derived from the sale of products and services to other Federal agencies. Operating expenses such as the cost of raw materials and supplies, inmate wages, and overhead are charged to the Federal Government. Revenues are applied against these revenues, resulting in operating income of 166, which is applied toward operating costs for future production.

Production facilities and shops are operated by civilian supervisors and managers, training and overseeing the work of inmates. The facilities utilize raw material and component parts purchased from the private sector to produce finished goods. These goods are shipped to Government customers. Primarily the Department of Defense, the facilities produce a wide variety of products including electronic, electrical, electronic, metal and ceramic products, services and materials. In addition, the facilities produce a wide variety of products including electronic, electrical, electronic, metal and ceramic products, services and materials. A portion of the earnings realized by these operations is reinvested in equipment to improve and build new facilities and purchase equipment, maintain state-of-the-art capability and provide working capital.

Extensive testing and product development procedures are required to operate modern facilities that produce products which meet Government specifications. Inmate training is also extensive because most of the inmates have no previous training, experience or skills. Much of the needed training occurs on-the-job, with the civilian supervisors and experienced inmates explaining and demonstrating the work to newly assigned inmates. Where skills require more formal training, such as soldering, classroom instruction is provided by UNICOM staff.

FPI makes capital investments in building and improvements, machinery and equipment as necessary in the conduct of its industrial operations. Other expenses charged to the industrial manufacturing program include inmate accident compensation.

As a result of private sector concerns that the Corporation was becoming an undue burden of competition, Congress adopted guidelines for the production of new products and significant product expansion which are incorporated into statute. Before any significant product expansion or new products are manufactured, the guideline process is conducted with full knowledge of interested parties.

As required under the federal rules, commonly referred to as the Guidelines process, when PPI proposes to produce a new product or service, it must first submit a market impact study to the Federal Trade Commission. This study must identify and consider: the number of vendors currently meeting the requirements of the federal government; the proportion of the federal market for the product currently served by small businesses; small disadvantaged businesses, or businesses operating in labor surplus areas; the size of the federal and non-federal markets for the product; the projected growth in the federal government demand for the product; and, the projected ability of the federal market to sustain both PPI and private vendors. PPI then must announce in the Commerce Business Daily its proposal and invite comments from private industry. PPI must also directly notify those trade associations affected and allow to provide comment.

The Board of Directors is provided copies of the market impact study, the comments received, and PPI's recommendations. The Board also holds hearings at which the public can come and provide testimony.

At the conclusion of the process, the Board renders its decision, which is also published in the Commerce Business Daily.

INITIATIVES

		(\$ 000)	
		Est.	Est. Amount
25		4	85,098

Activation: Factory at Beaumont, TX (Med. 9/98)

Proposed Actions

This initiative seeks to address the following objectives:

1. Continue to employ an average of 25% of the inmate population at newly activated low, medium and high security institutions. Through this request Federal Prison Industries (FPI) seeks 25 positions and 4 workyears to establish one factory at a new medium security prison being activated at Beaumont, Texas during FY 1998.
- As the Federal Prison System adds secure facilities to reduce overcrowding pressures created by inmate population growth, FPI builds factories in these facilities. These factories reduce undesirable inmate idleness by providing a full-time work program for approximately 25 percent of the eligible inmate population. More than 50 percent of the inmate population do not have marketable skills. FPI provides a program of constructive industrial work wherein job skills can be developed and work habits acquired.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY GENERAL GOAL

GENERAL GOAL 1: Provide services and programs to address inmates needs, providing productive use-of-time activities, and facilitating the successful reintegration of inmates into society, consistent with community expectations and standards.						
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1994 Actual	1995 Actual	1996 Actual	1997 Estimate	1998 Target
Input	1. Base number of factories	97	100	98	101	98
	2. FTEs	1,508	1,555	1,587	1,960	2,005
	3. Sales volume (\$ 000)	\$459,148	\$456,392	\$495,466	\$512,000	\$528,000
Output/Activity	4. Number of inmate jobs added	519	808	547	2,330	100
	5. Inmates employed at year-end	15,972	16,790	17,327	19,657	19,757
	6. New orders received (\$ 000)	\$455,363	\$440,500	\$511,059	\$547,000	\$551,000
Intermediate Outcome	7. New factory activations	4	4	3	7	7
	8. Increase in sales volume (\$ 000)	\$64,247	(\$2,756)	\$38,074	\$16,534	\$16,000
End Outcome	5. Number of inmates employed as a percentage of inmates housed in low, medium and high security institutions	29%	28%	25%	25	25%
	6. Actual sales as percent of sales projections	92%	100%	100%	100%	100%
A. Definitions of Terms or Explanations for Indicators:						
Indicator 1: Base number of factories equals factories at the beginning of the year and previous year's activations/deactivations.						
Indicator 3: Sales volume is equal to the annual sales or shipments to other agencies.						
Indicator 6: New orders received equals the value of new customer orders for FPI products.						
Indicator 7: New Factory activations is the number of new factories added during the fiscal year.						
Indicator 8: Increase in sales volume is the increase in sales over the prior year sales.						
B. Factors Affecting FY 94 - 96 Program Performance:						
Indicator 1: Deactivations affecting base number of factories: FY94 - 1; FY95 - 6; FY96 - 3						
C. Factors Affecting Selection of FY 97 and 98 Targets:						
Indicator 4 and 5: Continuing downsizing of Department of Defense will reduce military procurements.						
Indicator 4 and 5: National Performance Review recommendations on reduction of federal employment levels (272,000 positions eliminated by 1998) could reduce non-Department of Defense agencies' procurement of goods and services.						

Federal Prison System
Federal Prison Industries, Incorporated
Financial Analysis - Program Changes
(Dollars in Thousands)

Item	Pos.	Amount
Grades		
GS/GM-14.....	1	68
GS/GM-13.....	1	58
GS-12.....	3	144
GS-11.....	4	180
GS-9.....	3	100
Ungraded Positions.....	13	470
Total positions and annual rate.....	25	1,000
Special personnel service payments		
Lapse (-).....	(21)	(940)
Total workyears and personnel compensation.....	4	160
Personnel benefits		
Travel and transportation of persons and things.....	72	72
Comm., utilities, and misc charges.....	40	40
Other services.....	55	55
Supplies and materials.....	100	100
Equipment.....	3,127	3,127
Land and structures.....	824	824
Total program workyears and obligations changes requested, 1998.....	4	5,098

1984

Federal Prison System
Federal Prison Industries, Inc.
Detail of Permanent Positions by Category
Fiscal Years 1988 - 1988
(Dollars in Thousands)

Category	1988	1987	1988	
	Authorized	Appropriation Enacted	Program Increases	Authorized
Attorneys (805)	2	2		2
Personnel Management (200-299)	4	4		4
Paralegal Specialists (950)	1	1		1
Other Legal and Kindred (900-998)	1	1		1
Correctional Institution Administration (008)	57	62	1	62
Correctional Officers (007)	4	4		4
General Admin., Clerical and Office Svcs. (300-399)	200	200		200
Accounting and Budget (500-599)	213	223	3	226
Engineering and Architecture Group (800-899)	7	7		7
Information and Arts Group (1000-1099)	8	8		8
Business and Industry Group (1100-1199)	213	218	3	221
Equipment, Facilities and Service Group (1600-1699)	116	123	2	123
Manufacturing Quality Control Group (1900-1999)	82	87	1	87
Supply Group (2000-2199)	10	10		10
Transportation (2100-2199)	7	7		7
Ungraded (culinary, farm, mechanical and construction)	942	1,037	15	1,052
Administrative Streamlining Reduction		(8)		
Total	1,867	1,866	25	2,011
Washington	280	272		272
U.S. Field	1,587	1,714	25	1,739
Total	1,867	1,866	25	2,011

Federal Prison System
Federal Prison Industries: Industries
Summary of Change 1997 - 1998
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
1997 as Enacted	1,986	1,980	\$515,447
1998 Adjustments to Base:			
Increases (automatic non-policy):			
Inmate Accident Compensation	0	0	151
Annualization of FY 97 program increases	0	41	1,612
Total Increases (automatic non-policy)	0	41	1,763
Decreases (automatic non-policy):			
FTE Reductions (FY 1998 only)	0	(159)	0
1998 base	1,986	1,842	517,210
1998 Program Changes			
Factory Activation			
Bessemer, TX (Med, 9/98)	25	4	5,098
Total Program Changes	25	4	5,098
1998 Estimates	2,011	1,846	522,308

1985

1986

Federal Prison System
Federal Prison Industries, Inc.
Summary of Requirements by Grade and Object Class
(Dollars in Thousands)

Grades and Salary Ranges

	1986 Actual Positions & Workyears	1987 as Erected Positions & Workyears	1988 Request Positions & Workyears	Increase/Decrease Positions & Workyears	Amount
ES-4, \$119,855	2	2	2		
ES-2, \$108,824	1	1	1		
ES-1, \$103,807	1	1	1		
GS-16, \$75,805-868,714	10	10	10		
GS-14, \$64,555-53,822	50	53	54	1	
GS-13, \$54,825-71,017	104	112	113	1	
GS-12, \$46,636-56,725	234	243	246	3	
GS-11, \$36,330-46,831	179	187	191	4	
GS-10, \$34,867-44,358	18	18	18		
GS-09, \$31,660-41,185	187	188	191	3	
GS-07, \$23,897-33,697	86	86	86		
GS-06, \$23,306-30,224	24	24	24		
GS-05, \$20,555-27,183	26	26	26		
GS-3, \$16,947-42,164	1	1	1		
Ungraded positions	942	1032	1046	13	
Total, appropriated positions	1,867	1,906	2,011	25	4,852
Pay above stated annual rates					
Lapses	(300)	(41)	(21)	20	36
FTE Reduction (FY 1988 only)			(169)	(169)	0
Savings due to lower pay scales for part of year					0
1988 FTE Reduction					0
Net full-time permanent	1,567	1,946	1,651	(114)	3,317
Other than permanent					
Part-time permanent	0	1	1	2	
Temporary employment	0	14	7	401	234
Other part-time and intermittent employment	0	7	7	812	476
Other personnel compensation					
Overtime	99	63	63		104
Other compensation	2	2	2		11
Special personnel services payments					
Total, workyears and personnel compensation	1,628	2,021	1,911	(114)	7,799
Average ES Salary					108,991
Average GS/GR Salary					42,423
Average Ungraded Salaries					38,862
Average GS/GR Grade					10.96

1987

Federal Prison System
Federal Prison Industries, Inc.
Summary of Requirement by Grade and Object Class
(Dollars in Thousands)

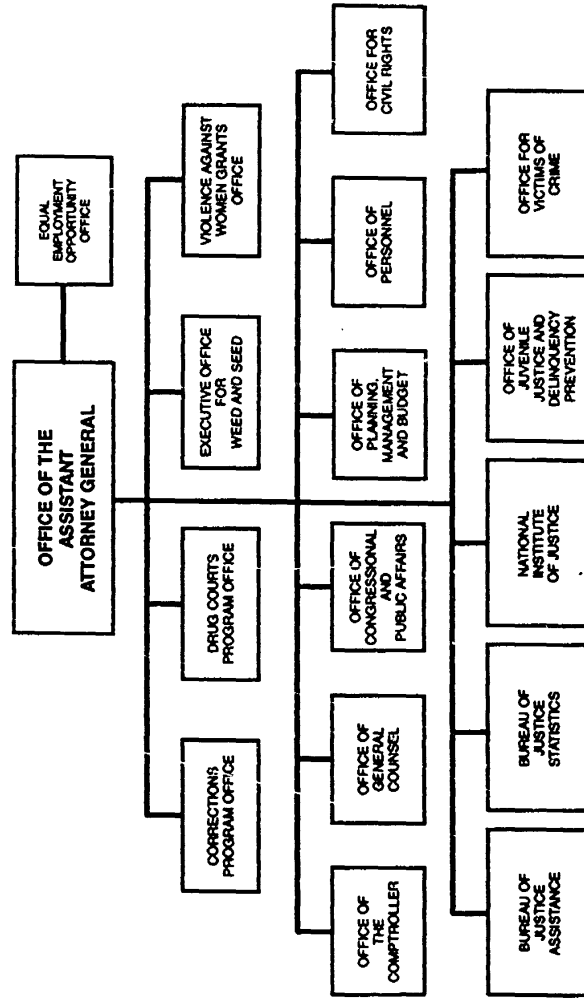
Object Class	1986 Actual		1987 as Enacted		1988 Request		Increase/Decrease	
	Work-Years	Amount	Work-Years	Amount	Work-Years	Amount	Work-Years	Amount
11.1 Full-time permanent.....	1,597	64,028	1,945	86,683	1,831	81,000	(114)	5,317
11.3 Other than permanent.....	0	48	15	513	15	1,225	..	712
11.6 Other personnel compensation.....	61	3,369	65	3,942	65	3,967	..	116
11.8 Special services pay.....	..	34,286	..	35,350	..	36,975	..	1,625
Total workyears and personnel comp.....	1,628	101,760	2,025	125,366	1,911	133,157	(114)	7,786
Other objects								
12 Personnel benefits.....	..	24,700	..	32,500	..	36,000	..	2,500
21 Travel and transportation of persons.....	..	2,686	..	4,400	..	4,400	..	0
22 Transportation of things.....	..	10,487	..	11,600	..	14,000	..	2,500
23.2 Rental payments to others.....	..	6,596	..	4,200	..	2,000	..	(2,200)
23.3 Comm. util. and misc. chrg. pay.....	..	4,360	..	8,400	..	10,000	..	1,600
24 Printing and reproduction.....	..	1,370	..	1,700	..	2,800	..	1,200
25.1 Advisory and assistance services.....	..	30	..	30	..	35	..	5
25.2 Other services.....	..	14,638	..	14,000	..	15,000	..	1,000
26 Supplies and materials.....	..	285,000	..	284,500	..	273,000	..	(8,500)
31 Equipment.....	..	3,000	..	20,000	..	12,000	..	(8,000)
32 Land and structures.....	..	4,000	..	8,000	..	21,000	..	12,500
43 Interest and dividends.....	..	0	..	0	..	0	..	0
93 Administrative expenses.....	..	1,794	..	3,630	..	3,630	..	0
Total direct obligations.....	..	460,413	..	499,048	..	538,422	..	27,374
Unobligated Balance, start-of-year.....	..	(173,000)	..	(182,000)	..	(208,399)	..	(26,399)
Unobligated Balance, end-of-year.....	..	192,000	..	208,399	..	204,285	..	(2,114)
Total Requirements.....	..	478,413	..	515,447	..	522,306	..	6,863
Reactions of obligations to outlays:								
Total Obligations Incurred.....	..	480,413	..	499,048	..	538,422	..	39,384
Less:								
Receipts.....	..	(540,000)	..	(535,000)	..	(522,000)	..	(15,000)
Obligations Incurred, net.....	..	(79,587)	..	(35,952)	..	4,422	..	14,374
Receivables in excess of oblig. start-of-year.....	..	(248,548)	..	(308,879)	..	(322,489)	..	(14,610)
Receivables in excess of oblig. end-of-year.....	..	308,879	..	322,489	..	314,087	..	5,608
Outlays.....	..	(19,258)	..	(20,342)	..	0	..	19,258

Office of Justice Programs
Justice Assistance
Estimates for Fiscal Year 1998
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1989

OFFICE OF JUSTICE PROGRAMS



Approved by: Janet Reno Date: 3/12/89
JANET RENO
Attorney General

Office of Justice Programs
Justice Assistance
Summary Statement
Fiscal Year 1998

For Justice Assistance in 1998 the Office of Justice Programs (OJP) is requesting a total of \$172,387,000, 411 permanent positions, and 411 workyears (excluding VCRP reimbursable 369 positions and 369 workyears). This request represents an increase of \$49,158,000, 25 positions and 26 workyears(excludes VCRP reimbursable increase of 60 positions and 60 workyears) over the 1997 appropriation of \$40,615,000 from the 1998 base.

The primary mission of the Office of Justice Programs is to provide Federal leadership in developing the Nation's capacity to prevent and control crime, administer justice and assist crime victims. This mission is accomplished through the following programs of the Justice Assistance account:

Research, Evaluation, and Demonstration Programs

The National Institute of Justice (NIJ) is the Nation's primary source of research and development on crime and the criminal justice system. NIJ's mandate includes responsibility for understanding the causes of crime, identifying and demonstrating programs and methods for preventing and reducing crime, studying and improving the criminal justice system, evaluating the effectiveness of criminal justice programs to determine what programs work and why they work, and disseminating this information by serving as a national and international clearinghouse for the exchange of criminal justice information. The Institute conducts research on a wide variety of justice policies, conducts demonstration projects, tests new technology that can be used to combat crime, administers technical assistance programs to expand the capacity of State and local criminal justice systems, evaluates existing programs and policies, and provides for a multi-media dissemination program to inform the public of important research, evaluation and demonstration findings. The total 1998 request of \$48,670,000 includes an increase of \$4,400,000 for ADAM, the Arrestee Drug Monitoring System, \$7,000,000 for the Violence Against Women Research Agenda and \$2,300,000 for the Federal Drug Testing Initiative.

1990

Criminal Justice Statistical Programs

The Bureau of Justice Statistics (BJS) is responsible for the collection, analysis, and publication of statistical information on crime, criminal offenders, victims of crime, and the operations of justice systems at all levels of government and internationally. The mission of the Bureau is two fold: to provide senior officials of the Justice Department, the White House, Congress, the Judiciary, criminal justice practitioners and academia, and the public with accurate and timely justice data and to support the emerging capacity of State and local governments to use justice data as a cornerstone of their justice programs. In 1998 the funding level of \$21,529,000 maintains the 1997 level and includes an adjustment to base increase of \$150,000.

National Sexual Offender Registry

This new program will be administered by BJS as a component of the Criminal Records Upgrade Program. It will initiate the development of a national sexual offender registry by assisting states to identify, collect and provide data for exchange through this registry. For 1998, \$25,000,000 is being requested for this new program.

Emergency Assistance

This program offers a Federal response to situations of an emergency nature that exceed the capacity of local law enforcement resources. The legislation authorizes the provisions of funds, equipment, training, intelligence information, and personnel to a State in the event of a law enforcement emergency. Budget authority was last provided for the program in 1992. No funds are requested for the program in 1998. The program will be continued with the 1996 unobligated balance of \$808,735 and any future deobligated funds that become available.

Missing Children

This program, which was first authorized and funded by Congress in 1985, provides funds to combat crimes against children, particularly kidnapping and sexual exploitation, by assisting families, citizen groups, law enforcement agencies and government institutions in a national effort to ensure the safety and protection of children. The 1998 request maintains the 1997 level of \$5,971,000.

Regional Information Sharing System

The RISS program provides funds to maintain six regionally-based information sharing centers throughout the United States that service State and local law enforcement agencies in addressing major, multi-jurisdictional crimes. The program encourages and facilitates the rapid but controlled exchange and sharing of information pertaining to known or suspected criminals or criminal activity among State and local law enforcement agencies and enhances coordination and communication among agencies in pursuit of criminal activity determined to be multi-jurisdictional in nature. For 1998, \$14,500,000 is being requested for the RISS program which is consistent with the 1997 appropriation.

White Collar Crime Information Center

The National White Collar Crime Information Center assists Federal, State and local law enforcement and regulatory agencies in multi-State investigations of white collar crime. The Center is developing a national support system for the prevention, investigation and prosecution of economic crimes, and is pursuing an educational and training component targeting agencies which have the responsibility of investigating economic crime. Prior to 1995 this project had been included within the RISS activity. The 1998 request will maintain this activity at the 1997 appropriation level of \$3,850,000.

Local Firefighter and Emergency Services Training

This program is authorized by the Antiterrorism and Effective Death Penalty Act of 1996, and will enhance the capability of metropolitan fire and emergency service departments to respond more effectively to terrorist attacks. The 1998 request maintains the 1997 funding level of \$5,000,000.

Terrorism Training

This program will provide for specialized multipurpose response training as authorized by the Antiterrorism and Effective Death Penalty Act of 1996. The 1998 request maintains the 1997 funding level of \$2,000,000.

Development of Counterterrorism Technologies

The National Institute of Justice will administer this program which was authorized by the Antiterrorism and Effective Death Penalty Act of 1996. This program will help identify and assess technologies to assist State and local law enforcement agencies to combat terrorism. The 1998 request will maintain this activity at the 1997 appropriation level of \$10,000,000.

Management and Administration

This activity provides executive direction and control, policy coordination, and the full range of management responsibilities of the Office of Justice Programs (OJP) and its 9 Bureaus and program offices. The 1998 request of \$35,867,000, 411 positions, and 411 workyears represents an increase of \$5,338,000, 25 positions and 26 workyears over the 1997 appropriation. This increase includes \$3,423,000 in adjustments to base and \$1,915,000 for 25 positions and 13 workyears, to provide increased support for the National Institute of Justice and the Office of Juvenile Justice. In addition, an increase of 60 positions and 60 workyears are required for the management and administration of the \$2.2 billion requested under the Violent Crime Reduction Program account for programs authorized by the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA).

Office of Justice Programs
Justice Assistance
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Justice Assistance

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, [\$101,429,000] to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102-534 (106 Stat. 3524) ^

\$149,665,000

of which, \$25,000,000 is for the National Sexual Offender Registry.

For an additional amount, \$17,000,000, to remain available until expended; of which \$5,000,000 shall be for Local Firefighter and Emergency Services Training Grants as authorized by section 819 of the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"); of which \$10,000,000 shall be for development of counterterrorism technologies to help State and local law enforcement combat terrorism, as authorized by section 821 of the Antiterrorism Act; of which \$2,000,000 shall be for specialized multi-agency response training; Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the

and

entire amount not previously designated by the President as an emergency requirement shall be available only to the extent an official budget request, for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress).

(Department of Justice and Related Agencies Appropriations Act, 1997.)

Explanation of Changes:

1. Adds language to fund the National Sexual Offender Registry, as authorized by section 170102 of the Violent Crime Control and Law Enforcement Assistance Act of 1994.

1996

Office of Justice Programs
Justice Assistance
Crosswalk of 1997 Changes
(dollars in thousands)

Activity/Program	1997 President's Budget Request		Congressional Action 1997 Request		Transfers Between Accounts		Reprogramming		1997 Appropriation	
	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount
Research, Evaluation and Demonstration Progra	---	\$41,341	---	(\$11,411)	---	---	---	---	---	\$30,000
Criminal Justice Statistical Programs	---	22,879	---	(1,500)	---	---	---	---	---	21,379
Missing Children	---	5,971	---	---	---	---	---	---	---	5,971
Regional Information Sharing System	---	14,500	---	---	---	---	---	---	---	14,500
White Collar Crime Information Center	---	3,850	---	---	---	---	---	---	---	3,850
Local Firefighter and Emergency Services Train	---	---	---	5,000	---	---	---	---	---	5,000
Terrorism Training	---	---	---	2,000	---	---	---	---	---	2,000
Development of Counterterrorism Technologies	---	---	---	10,000	---	---	---	---	---	10,000
Management and Administration	402	365	(16)	(3,527)	---	\$4,800	---	---	386	385
TOTAL JUSTICE ASSISTANCE	402	386	(16)	(1)	---	4,800	---	---	386	385
										123,229

Congressional Action: Congressional action provided no program enhancements for the Research, Evaluation and Demonstration Program, or the Criminal Justice Statistical Program which will keep them at their 1996 level of funding. Of the amount appropriated, \$17,000,000 was provided for counterterrorism, \$5 million for firefighter and emergency services training, \$2 million for terrorism training, and \$10 million for development of counterterrorism technologies as authorized by the 1996 Antiterrorism Act. Congressional action also provided 14 positions and 14 FTEs to administer the NIJ defense/law enforcement technology program. Congress provided an overall decrease of \$3,527,000 for Management and Administration.

Transfers from Other Accounts: Provides \$4,800,000 from the Juvenile Justice Programs account for Management and Administration.

	Part	NY	Report
1997 President's request	112	346	\$117,793
Net changes	119	5	632
1997 as Executed	306	345	\$118,425
Transfers in from other accounts			
Juvenile Justice Appropriation for Administrative Functions			4,800
1997 Appropriation Adjusted		345	123,225
Transfers to other accounts			4,700
Transfer to the estimates from the Department of Justice - General Administration to NYU for the Drug Testing Initiative		11	922
Mandatory increases - Juvenile Justice		2	2,821
Mandatory increases - Justice Assistance Management and Administration		2	
1998 Base		366	\$117,773
Program Changes - Justice Assistance (See Program Narrative for Details)	25	13	40,615
1998 Estimate	411	411	\$123,387

	1987 Appropriation			1988 Base			1990 Estimate			Increase/Decrease		
	Perm	Amount	Pos. WY	Perm	Amount	Pos. WY	Perm	Amount	Pos. WY	Perm	Amount	Pos. WY
Estimates by budget activity												
Research, Evaluation, and Demonstration Programs		\$30,000			\$34,870			\$44,870			\$13,700	
Criminal Justice Statistical Programs					21,529			25,000			\$3,500	
National Sexual Offender Registry		21,318										
Missing Children	6,971				5,971			5,971				
Missing Children Information Sharing System	10,000				10,000			10,000				
White Collar Crime	3,850				3,850			3,850				
Local Firefighter and Emergency Services Training	5,000				5,000			5,000				
Terrorism Training	2,000				2,000			2,000				
Development of Counterterrorism Technologies	10,000				10,000			10,000				
Management and Administration												
Executive Direction and Control - NJ	62	64	4,734	62	64	5,023	73	70	5,890	11	6	867
Executive Direction and Control - BUS	55	56	3,643	55	56	3,894	55	56	3,894			
Executive Direction and Control - CU	60	71	4,800	60	82	5,722	90	87	6,350	10	5	628
Executive Direction and Control - DC	24	27	1,845	24	27	1,845	24	27	1,845			
Executive Direction and Control - OVC	21	21	1,585	21	27	1,705	26	27	1,705			
OJP Other Activities	108	105	12,402	108	110	13,887	110	112	14,402	4	2	420
Subtotal MAA	386	385	30,529	386	396	33,652	411	411	35,907	25	13	1,915
TOTAL, Justice Assistance	386	386	13,229	386	396	131,772	411	411	172,387	25	13	40,618

NOTE: Presentation reflects 308 positions and 308 workyears in 1987, and an increase of 60 positions and 60 workyears in 1988 funded by reimbursement from the OJP, VCBP. Funding for VCBP administration is requested and justified under the VCBSP account.

NOTE. Presentation excludes 308 positions and 308 volunteers in 1997 and an increase of 80 positions and 80 volunteers in 1998 funded by reimbursement from the O.P. VCBP. Funding for VCNIT administration is requested and justified under the VCBP account.

1998

Office of Justice Programs
Summary of Resources by Program
Justice Assistance
(Dollars in thousands)

ESTIMATES BY PROGRAM	1996 Enacted		1996 Actual		1997 Appropriation		1998 Base		1998 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Research, Evaluation, and Demonstration Programs												
Criminal Justice Statistical Programs		30,000		22,435		30,000		34,970		48,670		13,700
National Sexual Offender Registry		21,379		21,458		21,379		21,529		21,529		0
Emergency Assistance										25,000		25,000
Juvenile Justice Programs				33								
Missing Children		5,971		4,400		5,971		5,971				
Crime Control Programs				(369)								
Regional Information Sharing System		14,500		14,501		14,500		14,500		14,500		
White Collar Crime		3,850		3,850		3,850		3,850		3,850		
State and Local Law Enforcement - Disc				25								
Victims of Child Abuse Program						5,000		5,000		5,000		
Local Firefighter and Emergency Services Training						2,000		2,000		2,000		
Terrorism Training						10,000		10,000		10,000		
Development of Counterterrorism Technologies												
Management and Administration												
Exc. Direction & Control - NIJ	48	3,309	48	3,565	62	64	64	5,023	73	70	11	6
Exc. Direction & Control - BJS	55	56	55	44	55	56	56	3,894	55	56	0	0
Exc. Direction & Control - OJJ	80	71	80	4,800	80	71	4,800	80	82	5,722	10	5
Exc. Direction & Control - BJA	57	59	57	3,359	57	59	3,359	57	59	3,621	0	0
Exc. Direction & Control - OVC	26	27	26	1,572	26	27	1,585	26	27	1,705	0	0
OJP Support Activities	106	108	106	12,305	106	108	12,402	106	110	13,587	4	2
Subtotal M&A	372	371	372	29,503	386	385	30,529	386	398	33,952	25	13
TOTAL JUSTICE ASSISTANCE	372	371	372	85,896	386	385	123,229	386	398	131,772	25	13
Reimbursable Positions and Workyears	284	279	284	167	309	309	309	309	369	369	60	60
Total Positions and Workyears	656	650	656	436	695	694	695	707	760	760	65	73

1999

Office of Justice Programs
Reimbursable Resources
Summary of Requirements
Fiscal Year 1999
(Dollars in thousands)

Financing	1998 Actual			1997 Estimate			1998 Request			Increased/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Collection by Source:												
Department of Justice	—	—	\$225	—	—	—	—	—	—	—	—	—
Department of State	—	—	75	—	—	—	—	—	—	—	—	—
Department of Defense	—	—	400	—	—	\$4,000	—	—	\$4,000	—	—	—
Office of National Drug Control Policy	—	—	75	—	—	—	—	—	—	—	—	—
Department of Education	—	—	2,064	—	—	990	—	—	990	—	—	—
Department of Health and Human Services	264	116	\$3,723	309	309	\$4,773	348	348	\$4,773	40	60	\$10,000
Department of Justice	—	—	65	—	—	—	—	—	—	—	—	—
Department of Treasury	—	—	(2,346)	—	—	237	—	—	237	—	—	—
Department of Defense	—	—	—	—	—	—	—	—	—	—	—	—
Supplementary Resources	264	116	\$4,281	309	309	\$0,000	348	348	\$0,000	60	60	\$0,000
Obligations by Program:												
Research, Evaluation and Demonstration Programs	—	—	\$23,304	—	—	\$16,592	—	—	\$16,592	—	—	—
Criminal Justice Statistical Programs	—	—	400	—	—	500	—	—	500	—	—	—
Crime Control	—	—	2,346	—	—	4,425	—	—	4,425	—	—	—
Anti-Drug Abuse Program	—	—	861	—	—	—	—	—	—	—	—	—
Management and Administration	264	116	\$2,350	309	309	\$6,463	348	348	\$6,463	80	90	\$10,000
Total	264	116	\$4,281	309	309	\$0,000	348	348	\$0,000	60	60	\$0,000
Research, Evaluation and Demonstration Programs												
Source of Reimbursement:												
Department of State	—	—	\$225	—	—	—	—	—	—	—	—	—
Department of Defense	—	—	(2,346)	—	—	\$237	—	—	\$237	—	—	—
Department of Health and Human Services	—	—	1,462	—	—	990	—	—	990	—	—	—
Office of National Drug Control Policy	—	—	75	—	—	3,500	—	—	3,500	—	—	—
Department of Education	—	—	75	—	—	—	—	—	—	—	—	—
Department of Justice	—	—	23,753	—	—	11,865	—	—	11,865	—	—	—
Total	—	—	\$23,304	—	—	\$16,592	—	—	\$16,592	—	—	—
Goods or Services Provided:												
Reimbursement provided by contributing agency for joint research projects to be administered by the National Institute of Justice	—	—	—	—	—	—	—	—	—	—	—	—

Office of Justice Programs
Justice Assistance
Justification of Reimbursable Resources - Continued

Criminal Justice Statistical Programs	Source of Reimbursement	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease	
		Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT
Criminal Justice Statistical Programs	Source of Reimbursement								
	Office of National Drug Control Policy								
	Total								
Goods as Services Provided.	Resources provided by contributing agencies for joint statistical projects to be administered by the Bureau of Justice Statistics								
	Crime Control								
	Source of Reimbursement:								
	Department of Justice								
	Total								
Goods as Services Provided.	Resources represent grant programs administered for the Dept. of Justice for the Office of Special Counsel for Immigration Related Unfair Employment Practices, the Civil Rights Division and the Criminal Division								
	Anti-Drug Abuse Program								
	Source of Reimbursement:								
	Department of Health and Human Services								
	Total								
Goods as Services Provided.	Resources provided for joint projects administered by the Bureau of Justice Assistance								
	Management and Administration								
	Source of Reimbursement:								
	Department of Treasury								
	Department of Justice								
	Total								
Goods as Services Provided.	Grant management and administration services for grant programs in the Department of Justice for the Office of Special Counsel for Immigration Related Unfair Employment Practices, the Civil Rights Division, the Criminal Division, Office of Community Oriented Policing Services and the Executive Office of Weed and Seed. Resources also include costs incurred for the Department of Justice Young American Medal Program and resources, positions and workyears for the Violent Crime Trust Fund in all years								

**OFFICE OF JUSTICE PROGRAMS
RESEARCH, EVALUATION AND DEMONSTRATION PROGRAMS
PROGRAM PERFORMANCE INFORMATION
GOVERNMENT PERFORMANCE AND RESULTS ACT REQUIREMENTS**

Mission: To develop new information on crime and to determine what works and why in prevention, enforcement, and adjudication of crime and its consequences, and in institutional and community corrections.

General Goals:

1. Reduce violent crime, drug-related crime, and victimization.
2. Reduce the consequences of crime for neighborhoods and communities.
3. Develop new technology for law enforcement and the criminal justice system.
4. Improve the effectiveness of law enforcement, criminal justice, correctional and service systems' responses to offenses and victimization.
5. Develop community, household, school, and workplace crime prevention programs.
6. Implement the statutory mandate requiring NIJ to conduct program evaluations of the Bureau of Justice Assistance block and discretionary grant drug control programs.
7. Communicate research findings to policy officials, practitioners, and researchers through modern communication technology as well as through traditional media.

2001

OFFICE OF JUSTICE PROGRAMS
RESEARCH, EVALUATION AND DEMONSTRATION PROGRAMS
PROGRAM PERFORMANCE INFORMATION
(Dollars in thousands)

Research, Evaluation and Demonstration Programs	Amount
1997 Appropriation	\$30,000
1998 Base	34,970
1998 Estimate	48,670
<i>Increase/Decrease</i>	13,700

BASE PROGRAM DESCRIPTION: Authorized by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, (42 U. S. C. 3721), NIJ is the nation's primary source of research and development in the field of criminal justice. Key operational, policy, and management achievements of the Institute for 1996 are as follows.

- NIJ significantly increased the volume of research conducted by establishing research and evaluation partnerships with other agencies, including the Department's Crime Act agencies. Through collaboration, NIJ leveraged its \$30 million in appropriated funds to obtain and invest an additional \$66 million in research and evaluation projects.
- As a result of new collaborative efforts, NIJ received nearly 1,064 research proposals in response to 17 separate research solicitations.
- NIJ reduced processing time for research proposals from 243 days in 1994, to 120 days in 1995, to 100 days in 1996.

A description of the accomplishments of the Institute in each of the key areas of activity is presented in the pages that follow.

1. NIJ Fosters Innovation

NIJ is a catalyst for ideas by supporting the development of knowledge. Many innovations supported by NIJ are now part of everyday criminal

justice practice. For example, NIJ supported the research which led the FAA to use metal detectors in airports. NIJ-supported researchers trained the first bomb-sniffing dogs. NIJ has published safety standards on over 90 critical items of law enforcement equipment, such as handcuffs, jail and prison locks, and officer weapons. The concept of community policing as a method for reducing crime was, in part, an outgrowth of a program of research funded by NIJ. Other examples include:

- **Protecting police.** Researchers sponsored by NIJ developed protective body armor, which has saved the lives of approximately 2,000 police officers. An estimated \$2 billion in survivor and replacement costs to law enforcement agencies has been saved as a result. This year, we developed the requirements for the world's lightest armor capable of stopping armor-piercing rifle rounds. And, because many officers who are killed in the line of duty are shot with their own weapons, we have developed five prototypes of "smart guns," capable of being fired only by their owner.
- **Revolutionizing fingerprint collection.** NIJ-funded researchers developed an electronic wand the size of a fountain pen to collect fingerprints at the crime scene. Under the old technology, a bathub with a suspect's fingerprints on it would have to be removed from the crime scene and taken to the crime lab. Our initial investment of \$96,000 launched a new industry, with 200,000 fingerprint wands in use today.
- **Bringing technology directly to law enforcement and corrections professionals.** In 1995, NIJ established 5 regional technology centers and a technology commercialization office. These field locations bring law enforcement and corrections technology assistance directly to those who need it -- practitioners.
- **Reducing police use of batons.** This year NIJ published guidelines explaining the safe use of pepper spray as an incapacitant. As a result, in New York City alone, the use of pepper spray has tripled, and the use of police batons has decreased by one sixth. Citizen complaints resulting from police use of batons has decreased by nearly half.
- **Reducing redundancies within government.** This year the Attorney General established the DOJ Technology Policy Council to improve collaboration and to reduce duplication among federal law enforcement technology initiatives. NIJ has completed a draft compendium of all DOJ and Treasury projects under way. The Institute also works with the Department of Defense to identify technologies of mutual interest. As an example, the sticky foam used by U. S. Marines in Somalia to protect troops and supplies from rioters was a technology borrowed from NIJ. This year, NIJ developed a safe new x-ray to detect contraband which has been shown to dramatically reduce the amount of contraband brought into prison by visitors. Another project will dramatically improve weapons detections systems for use in public areas such as airports, schools, and in prisons.

- **Demonstration programs.** Our "Girl Scouts Beyond Bars" is a mother-daughter visitation program that improves correctional outcomes. Our \$15,000 investment has leveraged more than 50 times that amount in private funds to replicate the program in 18 other correctional facilities across the country.
- **Fostering discussion of a community approach to justice.** With our DOJ colleagues, NJI hosted a symposium to explore a justice model that places emphasis on offender accountability, healing for the victim, and proactive community involvement in the justice system. We recently funded a number of research and demonstration initiatives in community prosecution, and have published the story of an innovative community court. Our "Communities, Crime and Justice" conference explored ways to make the criminal justice system more responsive to the needs of the individual.

In 1997 and 1998, NJI will focus its base resources for innovation on:

- **Involving the private sector as a partner in the criminal justice system.** Our Office of Law Enforcement Technology Commercialization will work with private industry to develop affordable new products for law enforcement. Among other projects, we are currently working to find manufacturers for rear seat airbags to demobilize suspects and protect officers and for retractable steel strips to stop fleeing vehicles. This fall, NJI sponsored the first national corporate summit to share business approaches to involvement in prison industries, victim assistance efforts, prevention programs, offender job training, and post-release employment efforts.
- **Sharing and developing new technologies.** NJI will continue its dual use effort with the Department of Defense, including a project to bring specialized medical care to federal prisons in a cost-effective manner through telemedicine. NJI will also continue its effort to develop concealed weapon detection devices that reduce false alarms, detect even small weapons, distinguish weapons from other metal items, and are appropriate in a variety of settings.
- **Continued improvement of forensic DNA testing.** NJI brought DNA testing to law enforcement by developing testing standards and proving the reliability of DNA evidence. NJI-funded researchers are working to produce a new and less complex technology for DNA testing which works faster and costs less. This year, NJI released a report on 28 cases in which DNA evidence exonerated individuals who were unjustly convicted of crimes. This report is the subject of a PBS documentary to be aired in January 1997.

2. NJI Investigates the Causes and Correlates of Crime

NJI research findings are reducing crime and saving law enforcement dollars in communities across the country. Much of today's common knowledge about crime comes from NJI-funded research. For instance, NJI-funded researchers identified the link between drugs and crime and found that reducing the level of drug use reduces the level of criminal behavior, even among hard core drug users. It was NJI research

that showed that a majority of all crimes are committed by very few criminals. Common law enforcement management techniques such as community policing, differentiated response to 911 calls, and the design of foot patrols for optimal crime reduction all resulted from NIJ-sponsored research. A sample of the practical applications of our research findings follows.

- **Gang enforcement.** Specialized police gang/drug units may not be the best use of resources to combat gangs and drugs because gangs are not the predominant source of drug sales. In an NIJ-funded study, less than one third of Los Angeles area drug cases were found to involve gang members. Most gang conflicts are about turf, not drug sales, according to an NIJ-funded study of gangs in Chicago.
- **Enforcing gun laws can dramatically decrease crime.** More than two gun crimes were prevented for every illegal gun seized in a Kansas City demonstration project examined by NIJ. Overall, there was a 49 percent drop in gun crimes in the targeted area, and drive-by shootings dropped from 7 to 1 while doubling in the comparison area.
- **Abuse begets violence.** One NIJ-funded researcher has shown that individuals sexually abused, physically abused, or neglected as children are more likely to commit crimes as adults than those who do not suffer abuse. Surprisingly, neglect was just as damaging to children as physical abuse. The difference in outcomes by race was startling -- 82% of the black males in the study who were victims of abuse as children were arrested as adults, while only 64% of the comparison group were arrested as an adult.
- **Understanding our vulnerability to domestic terrorism.** Recently-published NIJ-supported research indicates that local preparedness to prevent and fight acts of terrorism is best in our largest cities and more limited in smaller communities. Small communities are more vulnerable to attacks from extremist political and issue-specific groups because they lack detection and response capacity and because extremist groups find remote locations attractive. This year, NIJ brought together law enforcement and civic groups from communities experiencing a threat of domestic terrorism. Participants discussed common strategies of these groups and possible approaches to diffusing hostile situations.
- **National drug use data.** Our Drug Use Forecasting (DUF) program tests newly arrested men, women, and juveniles for drug use in 23 cities. DUF gives us a large, national data base on drug use by suspected criminals and is the only large national source of drug use that verifies self-report through urinalysis. While urinalysis can detect illegal drug use over the last 72 hours, testing a 2-inch strand of someone's hair can detect drug use over a 4-month period. DUF now uses both types of assays. DUF can quickly address specific policy concerns by adding questions to the existing survey. In this way, we recently found that some juveniles have easy access to illegal firearms -- 40% of the recently-arrested juvenile males stated that they owned at least one firearm, and 22% reported carrying the gun all or most of the time. Of the total sample of arrestees, nearly half said they had been shot at and 38% of the juvenile males agreed that "it is OK to shoot someone who has disrespected you."

- One day, one trial. NJ-fund research on court delay and jury management led to a variety of reforms, including the American Bar Association's time standards and the one-day, one trial jury system now prevalent throughout the country.
 - Boot camps, electronic monitoring, and day fines. NJ's support of intermediate sanctions has fostered innovative alternatives to incarceration which seek to reduce recidivism and lower the cost of corrections. NJ launched an evaluation program to look at the effectiveness of some of the 80 military style boot camps around the country that aim to instill discipline and change the behavior of prisoners. Our research has also fostered the development of various electronic monitoring devices which allow some offenders to live in the community instead of in a prison, providing significant savings and constant surveillance of the offender's activities. Day fines, restitution, and other flexible sanctions have flourished based on our positive evaluation findings.
 - Anti-Terrorism Technologies. NJ will continue to develop new technologies to assist local law enforcement in investigating terrorist activities. This effort will involve efforts to improve equipment as well as initiatives to aid in information-sharing among municipalities on the most effective methods to fight against terrorist activities.
- In 1997 and 1998, NJ will focus its base resources for investigation on:
- Holding drug offenders accountable. As part of the President's Drug Testing Initiative, NJ will evaluate a bold new program to identify drug abusing offenders and to take steps to curb their drug use and resultant criminal activity. Working with the Office of National Drug Control Policy (ONDCP) on our "Breaking the Cycle" initiative, NJ has designed a research demonstration project to test the hypothesis that criminal justice intervention and treatment can reduce drug and crime activity. Potential new projects in this area include a demonstration effort of coerced abstinence in several jails; research and demonstration on use of methamphetamine; a study of the relationship between juvenile drug use and violent crime; and a demonstration effort on community based treatment and aftercare.
 - Learning how criminal behavior develops. NJ will continue to support a study of 11,000 subjects from birth through young adulthood and will document the development of behavior patterns. Cognitive and abstract reasoning, language abilities, and community factors will be studied to learn how criminal behavior develops.
 - Understanding changing homicide patterns. NJ's Intramural Research Working Group is examining rises and declines in homicide rates in American cities. This broad research effort examines the current literature as well as national and regional trends, and an in-depth analysis of 8 case study cities is underway.

- **Continued commitment to existing research goals.** NIJ will continue to devote resources to research on our six goal areas:
 - **Violence** - including studies of offenders, patterns of violence, and firearms violence
 - **Drug- and alcohol-related crime** - including study of the relationships among drugs, alcohol and violence; and evaluation of substance abuse prevention, treatment, and aftercare programs
 - **Consequences of crime** - including study of victim needs, victim services programs, and criminal justice responses to victims
 - **Crime prevention** - including evaluation of community based crime prevention partnerships, and study of crime by and related to illegal aliens
 - **Criminal justice system** - including evaluation of specialized courts, and analysis of restorative justice and community-based prosecution programs
 - **New technology** - including virtual reality officer training, means of detecting concealed weapons, and ways to detect and disable explosives
- **A federal partnership on family violence research.** At the suggestion of the experts who assisted us in devising our multi-year violence against women research agenda, we have entered into a three-year family violence collaboration with several agencies within the National Institutes of Health, as well as the Centers for Disease Control and Prevention and the National Center for Child Abuse and Neglect.
- **Evaluating projects funded under the Edward Byrne Memorial Program.** NIJ has a statutory mandate to conduct evaluation of Bureau of Justice Assistance (BJA) programs. NIJ staff manage research grants funded by BJA for this purpose. NIJ has typically not had the resources to fully address this responsibility, but is working with BJA to take an increasing role in assessing the effectiveness of local programs.
- 3. **NIJ Informs the Public on Research Findings**
 NIJ is mandated by Congress to share the results of its research with the public. Last year was a banner year for NIJ in its efforts to achieve this mandate. Highlights include tripling our publications output, establishing our Web site for electronic dissemination, and dramatically increasing our outreach through alternative media such as conferences, seminars and videotapes.
 - **Sharing research results.** Last year, NIJ more than tripled its publications output, from 35 documents in 1994, to 115 in 1996. In addition, our grantees published their research findings in journals and newsletters. NIJ research results were cited in 40 professional and practitioner journal articles last year.

- **Providing access to criminal justice information.** The National Criminal Justice Reference Service (NCJRS) is the largest clearinghouse for criminal justice information in the world, with a library of 138,000 documents on 13 criminal justice topics which the public can request via an 800 telephone number or via the Internet. Last year NCJRS distributed 4 million documents in paper or electronic format -- over 126,000 people requested one or more of our different publications.
- **Moving into the electronic age.** Last year, NIJ established instantaneous access to 400 documents via our Web site. In FY 1996, NCJRS recorded over 600,000 requests for information. Of those, almost 50% were via the Internet. In addition, NCJRS launched *JUSTINFO*, a bimonthly electronic newsletter reaching over 2,300 subscribers. The NCJRS document data base is now available on CD-ROM, and 500 copies have been distributed to date. Our electronic Technology Information Network (JUSTNET) has responded to 35,000 information requests since its establishment this year.
- **Exploring new means of outreach.** Last year, 160,000 people had direct contact with NIJ staff and NIJ information at our conferences, workshops, focus groups, issue-specific strategic planning sessions, and Research in Progress seminars. In addition, we distributed 2,200 videotapes of our Research in Progress seminar lecture series, showcasing early findings from significant research projects.
- **Reinventing our internal processes.** In 1996, NIJ established a staff committee to "reinvent" our publication process. The group sought input from all of our "customers" and has devised an action plan to improve the quality of our publications and the timeliness of their release.
- **Building new partnerships.** This year, NIJ established a new vehicle for the dissemination of research results. Our Research in Action Partnership grants were awarded to the 3 national criminal justice and public policy membership organizations to help NIJ develop new and more creative means of bringing our research results to practitioners and policy makers.
- **Collaborating with our federal partners.** Our Partnerships Against Violence Network (PAVNET) identifies promising or effective local programs to combat and prevent youth and family violence, bringing together in one centralized data base information from 35 federal clearinghouses from 7 agencies. PAVNET is available on paper or as a searchable data base.
- **Sharing vital market information with industry.** Many industries don't understand the equipment and technology needs of, or the market potential offered by, the nation's 17,000 local law enforcement agencies. Therefore, NIJ made available to industry this year, for the first time, a systematically-developed list of technology needs for state and local law enforcement.

In 1997 and 1998, NJ will focus its base resources for information on:

- **A new policy maker focus.** NJ has long been an important source of information to criminal justice practitioners. In the next fiscal years, we hope to improve our outreach to federal, state, and local policy makers so we can be sure that our research agenda is consistent with their data needs, and we can provide them with the information they need to make sound policy decisions.
- **Targeted regional workshops.** We anticipate convening regional workshops on innovative practices in community and restorative justice to disseminate lessons learned from previous developmental seminars and conferences on these topics, as well as to track and facilitate the advancement of such practices throughout the U. S.
- **Lecture series for policy makers.** NJ recently initiated a series of breakfast meetings, held on or near Capital Hill, presenting prominent researchers and discussants to inform members, Congressional staff, and State and local policy makers about new research findings in key policy areas.

PROGRAM CHANGES:

	Amount
ADAM, the Arrestee Drug Abuse Monitoring System.....	\$4,400
This proposed initiative would test arrestees quarterly for drug use in the nation's 75 most populous cities, with an annual outreach to test arrestees in outlying locations, including suburban towns, rural communities and tribal lands. This project will provide critical national, local, and regional-level assessments of changing patterns of drug use, drug markets, and related criminal activity. The data would be available to communities within 60 days of collection. The data would also be published quarterly, so that government agencies, including law enforcement, can respond appropriately and rapidly to emerging drug problems. In 1998, an increase of \$4.4 million above the \$2.3 million in NJ's base resources, for a total of \$6.7 million will be required to make one-half of these sites (35) operational. On-site costs include funding for data collection (1,600 interviews per site), collection and analysis of urine specimens, delivery of completed interviews to the national data center, and associated on-site security costs. Annual data analysis costs for years one and two are \$1.5 million and are \$2.5 million annually after that.	

The following reflects the 5-year costs to make ADAM fully operational.

Annual Costs for ADAM:

Year	Amount	Cost Item
1998	\$6.7 million (\$4.4m increase) (\$2.3m base)	Site Costs (for 35 sites @ \$120,000) - \$4.2million Data Analysis - \$1.5 million Annual Training - \$ 1 million
1999	\$10.5 million	Site costs for 50 sites - \$6 million Data Analysis - \$1.5 million Annual Training - \$ 1 million Local research - \$ 1 million
2000	\$14.5 million	Site costs for 75 sites - \$9 million Data Analysis - \$2.5 million Annual Training - \$ 1 million Local research - \$ 1 million Publication and dissemination - \$1 million
2001	\$17.5 million	Site costs for 75 sites - \$9 million Data analysis - \$2.5 million Annual training - \$ 1 million Local research - \$ 1 million Outreach to outlying locations - \$3 million Publication and dissemination - \$1 million
2002	\$17.5 million	Site costs for 75 sites - \$9 million Data analysis - \$2.5 million Annual training - \$ 1 million Local research - \$ 1 million Outreach to outlying locations - \$3 million Publication and dissemination - \$1 million

Major objectives for the five year period 1998-2002 include:

- To create a national partnership between federal and local officials using timely drug abuse data to develop drug control policy.
- To provide a tested research "tool" to drug use researchers and policy makers in the nation's 75 largest cities, allowing them to quickly, easily, and inexpensively answer pressing local research and policy impact questions.
- To provide regular data regarding arrestee drug use in suburban, rural, and tribal lands, and to apply this information to policy making and operational decision making.
- To develop an annual report on drugs and crime, reporting national, regional, and sub-regional patterns and trends in drug use for various categories of drug users, highlighting emerging issues and providing an early warning system, and as a context for policy decisions.

Program Description

Drug use is increasing, especially among youth. And drug use is moving into communities that had once been safe havens -- small and medium sized cities are becoming hubs of drug and gang activity, and even suburban and rural areas are beset by illegal drugs and associated criminal behavior. As experience with crack and methamphetamine shows, new drugs can spread very rapidly through existing distribution channels, and increased criminal activity soon follows.

A decade after the "crack epidemic" began, community and political leaders and law enforcement officials are still searching for effective policies to eradicate drugs from their neighborhoods. Practitioners and policy makers have come to realize that the search for solutions is hampered by a lack of reliable local data about the extent and nature of the drug problem and its relationship to community crime problems. A recent report by the Office of National Drug Control Policy lists more than 60 federally-funded national surveys of drug abuse provide no data on local drug problems -- and it is local communities that are on the front lines combating illegal drug use. National surveys can describe historical drug use trends, but communities need speedy feedback on the specific drugs that are being consumed and sold on their street corners.

This program change requests funding for a program to bring local drug use data to communities in a timely fashion and to assist the communities in using drug abuse data to formulate policies to decrease illegal drug activity and associated criminal behavior.

The proposed initiative, ADAM, the Arrestee Drug Abuse Monitoring System, would test arrestees quarterly for drug use in the nation's 75 most populous cities, with an annual outreach to test arrestees in outlying locations including suburban towns, rural communities and tribal

lands. Our proposed data collection targets the group most prone to drug use, that is, those involved with the criminal justice system, and tests them at arrest, the point of entry into the system. The President's Drug Testing Initiative advocates screening Federal arrestees for potential drug problems as they enter the criminal justice system, recognizing the point of arrest as an opportune time for testing and research into the causes of criminality, and for crafting and implementing effective responses. At the State and local level, the target locations for this effort, the nation's 75 largest cities represent only one fifth of the nation's population, but account for half of all reported murders -- it is in these areas that an understanding of the impact of drugs on crime is most critical. This research initiative will complement and support Federal and local operational drug testing programs by providing research information to make policy decisions.

A national program providing powerful local data. This project would provide critical, national, local, and regional-level assessments of changing patterns of drug use, drug markets, and related criminal activity. The data would be available to communities within 60 days of data collection. The data would also be published quarterly, so that government agencies, including law enforcement, can respond appropriately and rapidly to emerging drug problems. ADAM would be a natural, national extension of our successful Drug Use Forecasting program which brings independent, scientifically valid drug use information to 23 American cities.

Starting with DUF, building from strength. For the past twelve years, the National Institute of Justice has been administering the DUF program, in which individuals arrested and detained are interviewed regarding their drug use, and are tested for drug use via urinalysis. DUF results are published regularly in widely disseminated NIJ publications.

DUF data are available for local analysis by the 23 sites. In New Orleans and in Indianapolis, analysis of these data has resulted in new mayoral policy initiatives to combat drugs and crime. San Diego is developing a comprehensive city-wide strategy to combat the influence of methamphetamines. It was DUF data that first identified the introduction of that drug. DUF data spotted methamphetamine use in San Diego last year, and recent data document that drug's spread throughout California and the Southwest.

NIJ's DUF research first established that the link between drugs and crime was far stronger than originally thought -- arrestee drug test results showed that between 50 and 80 percent of the arrestees had used drugs. And NIJ's DUF data provide practitioners and policy makers at the national, state and local levels with key insights into the complex inter-relationships among drugs used by arrestees. For example, while DUF data show a steady increase in marijuana use among arrestees, especially young male arrestees, and an overall decrease in cocaine use, careful analysis of the data indicates that among some young marijuana users, the surge in marijuana use may be coupled with *greater* use of cocaine. A recent addendum to the DUF instrument allowed a unique comparison of the purchase patterns and severity of use of heroin, powder cocaine, and crack users. Preliminary results show that crack and heroin appear to be more addictive than powder cocaine and that one in five users report only casual use. Preliminary results also suggest that policing strategies to disrupt drug markets can have an impact -- in New York City, 40% of crack market participants reported that police activity kept them from buying crack on at least one occasion.

Responding to an existing demand for local data. Over the years and without solicitation, NIJ has received requests from 14 cities to join the DUF program because those jurisdictions wanted to know more about their local drug problems. Because of limited funding, NIJ has had to turn them down. We have thus been hampered in our ability to look at important trends -- regional, national and local -- in drug use and related crime issues in those jurisdictions where the drug problem is most severe, and those cities have lacked this very effective policy analysis tool.

ADAM: already a collaborative effort. An undertaking this significant should not be attempted alone. NIJ has already consulted with a number of federal research partners. The DEA has indicated support of the concept, and we anticipate working with DEA to select sites which complement their existing data collection efforts. NIDA plans to fund research based on ADAM data. ONDCP has been briefed on our plans, and is supportive of the effort.

Unique Characteristics of ADAM. While other research efforts attempt to paint a national portrait of drug use, only ADAM will offer the potential to provide accurate national and local estimates and a flexible research vehicle for quickly and easily exploring national and local policy and research issues. A comparison of the attributes of ADAM and of other national data sources on drug use is included in Exhibit A, and summarized below.

- *To encourage use of ADAM data in policy making, NIJ will fund community drug research policy collaboratives, convened by the local Law Enforcement Coordinating Council (LECC) representative.*
- *With simple modifications to the existing data collection vehicle, local researchers can provide quick answers to specific research questions. In this way, NIJ has studied arrestee use of handguns and heroin and has learned about needle sharing and local drug market dynamics.*
- *ADAM will be the only drug use assessment tool in the country using urinalysis to confirm self-report, so the data will be reliable -- we know from our Drug Use Forecasting (DUF) program that self-report substantially underestimates actual drug use.*
- *NIJ is a research agency and is a credible local research partner, without an enforcement or advocacy mission.*
- *The data will be collected quarterly, and the data sets will be made public within 60 days of data collection, allowing researchers access to analyze the more than 1,000 variables on 150,000 respondents.*

A modest investment, compared to the benefits. The nation currently spends \$30 billion to combat drug abuse, according to the National Drug Control Strategy. With this investment to transform NIJ's current DUF program to a nationwide drug assessment for arrestees, the

Department of Justice would be able to establish an independent method of tracking and assessing criminal behavior for decades to come. Twenty years ago, the Department of Justice broke new ground with the first National Crime Victimization Survey. As a result, we learned about under-reporting of crime and repeat victimization, particularly within family settings, and made a commitment to collect this data annually. If institutionalized at the national level, the ADAM program will break similar ground by developing an ongoing survey of drug use and crime that focuses on a population of great policy significance -- individuals arrested and charged with crimes. Project implementation steps, and anticipated project costs are identified below.

Site selection. Sites will be chosen in cooperation with our research partners. We propose that this drug testing initiative be set in the nation's 75 largest cities (with some modification to enhance regional coverage). Our proposed sites include all jurisdictions with populations greater than 200,000, and account for about one-fifth of the nation's population. These cities represent nearly one-half of all the homicides reported to the FBI and 40% of all other Part 1 crimes reported to the FBI.

Once ADAM sites are selected, on-site training of staff will begin, using over a decade of DUF experience. In addition, we anticipate annual training conferences to assure consistency of data collection methods across sites. Basic site costs include 1,600 interviews each year, on-site quality control, collection and analysis of urine specimens, delivery of completed interviews to the national data center, and the associated site security costs. Total site costs will be \$9 million, or roughly \$120,000 per site. Site costs will be incurred gradually, as the program expands from the existing 23 DUF sites to 75 ADAM sites over a period of three years. An additional \$1 million annually will support training for site staff.

Annual outreach to suburban, rural, and tribal lands. Each year, the 75 ADAM sites will each conduct an additional series of assays to assess the extent of drug use in a specific non-urban area of interest. These areas will be chosen by the 75 sites and the data collection would be completed by the staff of the site. Typical outreach sites include suburban locations near to the city that are suspected sites of migration of gangs or drug activity, unincorporated rural areas, or tribal lands. Annual costs for this part of the initiative would be \$3 million.

National data center. NIJ currently contracts with a research firm for the centralized collection and analysis of urine samples, data "cleaning," archiving of data for public use, and the preparation of data for quarterly and other reports. Annual costs to provide this service for ADAM are estimated at \$1.5 million per year in the first two years and \$2.5 million per year thereafter.

ADAM can be used as a policy platform. We will encourage use of drug research in policy making at each ADAM site. As part of this effort, local researchers will be eligible for research funded by NIJ and by our federal research partners. To establish a local infrastructure for input of research into policy, we propose to constitute a drug policy board, building on the existing role of the LECC representatives in each U. S. Attorney's Office. LECC representatives could convene the interested parties to policy making in the jurisdiction (including police,

schools, DEA, drug treatment providers, public health officials, prosecutors, etc.) and provide a forum for research questions about crime and drug use. For example, a city concerned about the rise in methamphetamine use would be able to construct a simple addendum to the quarterly survey to learn about the patterns of use and of acquisition of this drug, and the profile of users, and sellers. A city interested in the spread of intravenous HIV could ask questions about patterns of needle sharing. Of the total proposed budget, \$1 million annually will be spent to support and develop local research initiatives beginning in 1999. Approximately half of these funds will support an annual nationwide research competition for analysis of local data. The remaining funds would be available for jurisdictions to use at their discretion: for researcher development of targeted addenda; any desired extra data collection efforts; local analysis of both national and local drug use data; or local dissemination efforts.

Develop an annual report on drugs and crime. Using ADAM data, we will design and publish an Annual Report on Drugs and Crime -- the report will set benchmarks for a number of indicators of the state of drug use and crime. This is a methodologically challenging endeavor, and will require substantial consultation with statisticians, field testing, and revisions. We will plan to have this ready for implementation in the third year. Total costs for this effort will be \$1 million annually.

Violence Against Women Research Agenda.....	Amount
	\$7,000

This initiative will implement the recommendations of the Congressionally mandated, National Academy of Sciences Report, Understanding Violence Against Women. The NAS study was conducted with NIJ funding in response to a requirement in the Violence Against Women Act of 1994 to develop a research agenda on violence against women. In developing the 1998, NIJ worked with CDC to prepare a joint proposal for a government-wide Violence Against Women Research Agenda. In 1998, NIJ will require \$7 million to: sponsor secondary analysis of five to seven existing longitudinal data sets on the development of violent behavior to specifically examine violence against women; synthesize the findings of research studies commissioned since 1992 by NIJ and others on this subject; initiate community longitudinal studies of prevention and intervention programs in three to five sites; develop new measures on the amount of violence against women and its consequences; fund evaluation studies of criminal justice program strategies; develop targeted, practitioner oriented reports on research findings and their implications in the field; and broadly disseminate research findings.

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Annual funding over 5 years is summarized below:

Year	Amount	Cost Item
1998	\$7 million	Five to seven secondary analysis studies-\$1.3million Synthesis of research - \$500,000 Community longitudinal studies - \$1.2 million New measures - \$1million Evaluation - \$1.6 million Publication and dissemination - \$1.4 ml/ion
1999	\$5.2 million	Community longitudinal studies - \$1.2 million New measures - \$1 million Evaluation - \$1.6 million Publication and dissemination - \$1.4million
2000	\$8.7 million	Data collection for longitudinal studies- \$3.5million Community longitudinal studies - \$1.2 million New measures - \$1 million Evaluation - \$1.6 Publication and dissemination - \$1.4million
2001	\$5.2 million	Community longitudinal studies - \$1.2 million New measures - \$1 million Evaluation - \$1.6 million Publication and dissemination - \$1.4 million
2002	\$5.2 million	Community longitudinal studies - \$1.2 million New measures - \$1 million Evaluation - \$1.6 million Publication and dissemination - \$1.4 million

Major Objectives, which reflect the Academy's recommendations, for the five year period 1998-2002 include :

- Improving the tools researchers use, including the development of standard definitions, improvements in the validity and reliability of research instruments, and clarification of theory; improved measurement of the incidence and prevalence of violence against women, and the development of new measures of effectiveness for prevention, intervention and control programs.
- Preventing the development of violent behavior toward women in offenders through research on how such behavior develops over the life span, especially during early childhood and adolescence.
- Reducing the costs to society of violence against women through studies on the economic impact of violence against women, as well as cost benefit and cost effectiveness studies on prevention, intervention and control programs.
- Improving preventive interventions through longitudinal and experimental studies of school-based, media, health, and criminal and civil justice system programs to prevent and control violence against women.
- Developing practitioner oriented reports and other dissemination tools such as videotapes, teleconferences, national and regional meetings, and telecommunications media to disseminate the findings of research and ensure that it is used to develop prevention, intervention and control programs.

Gradual implementation of this initiative will require incremental funding with an initial commitment of \$7 million in 1998 to support these goals and objectives.

Program Description

NIJ's Leading Role. NIJ has played a leading role in research on violence against women for over twenty years. NIJ's research in the early and mid-1970's on rape and domestic violence led to current research efforts as well as prevention, intervention and control programs in these areas. Examples include early studies on rape which supported calls for changes in state laws to protect rape victims; and studies of police calls for service in Kansas City and Detroit, which found that police might have prevented domestic homicides if they had responded differently to domestic violence calls. These findings led to NIJ support of the 1979 Minneapolis Experiment On the Use of Arrest in Domestic Violence cases, as well as research on prosecution strategies in domestic violence. NIJ also developed and published practitioner oriented reports on these topics, for example a report on how the criminal justice system should handle offenders in domestic violence cases.

Since 1992, violence against women has been a major area of study in NU's long range research plan. NU currently has 35 active studies on various aspects of domestic violence and sexual assault, and has invested more than \$4 million in studies of violence against women. Surveys, evaluations, and longitudinal and experimental studies are currently examining the incidence and prevalence of women's experiences with violence, the development of violent behavior, and the effectiveness of prevention, intervention and control programs. NU continues its development of practitioner oriented reports based on this research. However, because of the lack of funding in this area, even this multi-year investment in research on violence against women supports only studies of single programs or single issues such as assault or rape, rather than addressing the multiple ways in which women experience violence. Synthesis of these studies remains difficult because of different definitions of violent behavior or different measures of violence and its consequences.

In the Violence Against Women Act of 1994, Congress recognized the lack of research information on the issue of violence against women, and in recognition of NU's leading role, included language requiring that eight separate studies be conducted by NU in the areas of domestic violence, sexual assault and stalking. All of these studies have been completed and reports have been submitted to Congress. Under one of these mandates, the National Research Council of the National Academy of Sciences developed a research agenda on violence against women. This request is based on their report.

NU's continued leadership is crucial: NU's long range research plan has generated several studies which provide a strong base for carrying out the Academy's recommendations. Chief among these is a survey of 8,000 women age 18 and older in U.S. households which collects data on the extent, nature and consequences of various forms of violence and threats of violence against women, including stalking and childhood victimization. The Centers for Disease Control and Prevention (CDCP) has added funds to this survey for the past three years. This national survey will provide critical information about women's victimization experiences, and will identify those gaps in knowledge that can only be addressed through the regional and local surveys called for in the Academy's report. In addition, NU is currently funding three longitudinal studies that have collected data related to violence against women. These studies have large sample sizes, and are appropriate for secondary analysis of the data they have collected on both males and females, as well as for new data collection specific to violence against women. NU also has significant evaluation studies in the areas of violence prevention and control. These studies will be expanded to develop new concepts for prevention and intervention programs specific to violence against women. Finally, NU is well positioned to provide government leadership in this crucial area because of its broad mandate to study the causes and correlates of crime and to develop research information in support of crime prevention strategies. NU has no operational mission to design and implement prevention programs, and can bring objectivity and independence to the research task. Most importantly, the scope of NU's mission has required the interdisciplinary approach to research recommended by the National Research Council's report, an approach evidenced by the many interagency funding partnerships that characterize NU's research program, and the interdisciplinary character of NU's more than 350 active grantees and 1,000 consultants.

NU works in partnership with other federal agencies and foundations. Other government agencies share NU's interest in violence against women. Since the early 1980's NU has co-sponsored national conferences on domestic violence with the National Institutes of Mental Health,

developmental antecedents of violence against women. Secondary analysis would be conducted in year 1 at a cost of approximately \$1.3 million.

2) **A synthesis of findings** from current NIJ, IHS and privately sponsored studies which should be completed by the end of 1998 will be undertaken and combined with the results of the secondary analysis studies described above. This synthesis will be completed by the end of year 2 at a cost of \$500,000 (year 1 funds).

3) **New data collection on violence against women** looking specifically for violent events among adolescents and adults would be undertaken using these same existing samples. For most of these studies, the study subjects are now adults. Data would be gathered from interviews and existing records to fill in the gaps in information identified by the secondary analysis. New data collection would be commissioned at the beginning of year 3 at a cost of approximately \$3.5 million. Results from these efforts would be expected 15 months after award.

4) **Community studies of prevention and intervention programs:** Although there are longitudinal data sets that can be re-analyzed and expanded to examine developmental issues related to violence against women, there are virtually no such existing data sets or studies on program effectiveness. Most evaluation studies are of single programs or approaches, and follow-up of subjects tends to range from 6 months to two years. Experimental studies featuring random assignment have been undertaken, most notably on the effects of arrest, but the findings from such efforts are mixed at best. As the Academy noted, these studies fail to take into account the context in which violence against women occurs. Longitudinal studies examining community and neighborhood culture, ethnicity, resources, programs, risk factors and protective factors for the prevention of violence against women should be undertaken. Programs to be studied in three to five communities would include prevention/education programs, counseling and other health related and social service prevention and intervention programs, shelter programs, legal services programs, and criminal and civil justice programs and processes. These longitudinal community studies would include a multi-year examination of community resources/programs, and surveys with follow-up of program participants regarding program effectiveness. Members of the community at large would also be surveyed to determine their awareness and use of these resources, and their perceptions of the contribution of these programs to individual and community safety for women. NIJ will examine the data from the community study under its Program on Human Development in Chicago neighborhoods to develop appropriate design parameters for these studies. Overall cost would be \$6 million over a five year period.

New measures: how can we determine the amount of violence against women and its consequences? The Academy's report notes the lack of good measures of violence perpetrated against and experienced by women. NIJ will mount a program of basic research to correct this problem. Activities would include: **representative surveys** of physical violence against women, **new instruments** to measure relationships such as the severity of threats or injuries in relation to the charges filed in criminal cases, or the co-occurrence of substance abuse and violence against women; **new measures of the discretionary processes** and their outcomes within the criminal justice system; **new outcome measures**

for program effectiveness such as stage of change in violence levels for victims and perpetrators, or level of empowerment for women participating in programs, measures of the co-occurrence of violence; estimates of the lifetime prevalence of violence perpetration; new instruments to assess violent experiences of women of color, including African American, Asian American, Native American, and Hispanic American women; and a cost studies program including impact costs for victims and society, and cost benefits and cost effectiveness studies on prevention, intervention and control programs. NIJ would also participate in co-funding arrangements with other agencies to develop measures in the realms of health and education. Costs would be \$1 million per year for a five year period to conduct these studies and participate in interagency collaborations.

Evaluation studies: how can we determine what works? Information is needed on what works to prevent violence against women, and also on the effects of interventions on both victims and perpetrators. NIJ is currently evaluating special domestic violence courts in Miami and Milwaukee, and the effects of traditional court processes through official records and interviews in Quincy, MA. However, because of state and local differences in how these cases are handled, many improvements in criminal justice system interventions are specific to a particular jurisdiction. Moreover, there is a need for more systematic study of police intervention strategies, prosecution strategies, diversion programs, and victim support programs than is possible with current funding. In addition, the Academy Report calls for more randomized trials of experimental interventions. Importantly, NIJ would ensure that practitioners and advocates for women's safety who work with victims and offenders are included in the research process. NIJ proposes a two part response to these issues. This program would supplement the NIJ evaluation of programs funded under VAWA.

1) NIJ would fund multi-site evaluations of the effectiveness of new programs or experimental constructs such as domestic violence courts, or special mechanisms for emergency protection orders for women. NIJ would conduct such evaluations using experimental designs where possible. Cost analysis studies would be included in these evaluations. Cost for evaluations in up to 25 sites would be \$1.6 million per year for 5 years.

2) NIJ would fund research partnerships between universities or research firms and local community agencies to address the specific evaluation needs of local programs and to ensure the participation of local practitioners and advocates in the research process. NIJ would initiate these partnerships in year one and would fund a new round of such partnerships every year over a five year period. Cost would be \$1 million per year for five years.

Making Study Findings Useful: Communities, state and local criminal justice, health, education, and social service agencies, and advocacy groups for women's safety need to be aware of research results as soon as they become available. NIJ will work close coordination with the Violence Against Women Grants Office (VAWGO), OJP to develop approaches and strategies for communicating research results to these client groups, and for including these practitioners in the research process. Approximately 20 percent of this total request will be set aside to address this need in two ways:

- 1) Whenever feasible, NIJ will involve state and local practitioners in the research process as consultants and advisors in the development of NIJ's research agenda, as reviewers of research proposals under NIJ's peer review process, and as advisors to individual research projects.
- 2) NIJ will develop a wide array of research products to support this program, including practitioner oriented reports, printed previews of preliminary findings, electronic dissemination on the Internet, at least one research conference in the year 2000 that will be developed in partnership with other research agencies, especially at HHS and DoEd, and telecommunications media including videotapes, and teleconferences.

Federal Drug Testing Initiative.....	Amount
	\$2,300

This increase of \$2.3 million will provide for a total funding level of \$7 million to expand the President's Drug Testing Initiative Program as part of the federal system Operation Drug TEST. This program is designed to lead to identification of drug abusers and link treatment and other interventions to those who need it. It will ensure that prosecutors and judges are aware of the drug status of defendants and will enable them to respond to defendants' failed drug tests appropriately. It will provide for detoxification or other appropriate intervention measures for drug-using defendants in pretrial detention who may be released back into the community. And it will provide critical tracking information systems as the defendant progresses through the criminal justice system, so that whatever substance abuse interventions are provided are informed by previous drug testing and treatment records.

In FY 96 Congress appropriated \$4.7 million to the Department of Justice, General Administration Account to be used to fund the 25-district pilot program in which criminal defendants will be drug tested either immediately before of following their initial appearance in court. These funds will be transferred to NIJ in 1998 to be combined with the requested \$2.3 million increase to implement this new federal policy. This level of effort will include: (1) drug testing all federal arrestees before a hearing on pre-trial release and related conditions, continued testing throughout the pre-trial, trial, and post-conviction process and appropriate sanctions for failing the drug test and/or violating related conditions; (2) marshaling of treatment and rehabilitation resources for those in this population determined to need them; and (3) providing a model for state criminal justice systems in order to break the cycle between drugs and crime. The program will be managed by the Administrative Office of the United States Courts. In addition, the \$5 million provided to BJA as part of Byrne discretionary program funding for federal drug testing purposes a portion will fund NIJ's evaluation of the Federal drug testing initiative.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: National Institute of Justice						
MISSION: To develop new information on crime and to determine what works and why in prevention, enforcement, and adjudication of crime and its consequences, and in institutional and community corrections.						
PERFORMANCE INDICATOR INFORMATION						
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
Input	1. Appropriation.	\$27M	\$30M	\$30M	\$30M	\$49M
	2. Number of grant applications received.	759	1117	1064	1250	1400
	3. Number of grant awards made.	203	270	219	310	350
	4. Number of technologies transferred to/from DOD.	NA	6	6	7	9
Output/ Activity	5. Number of requests for information (NCJRS).	440,000	500,000	610,187	700,000	\$50,000
	6. Percentage of requests for info received via Internet.	25%	30%	49.5%	55%	60%
	7. Number of active research projects, both intramural and grants awarded.	345	473	441	580	660
	8. New products published.	90	129	115	150	250
	9. Number of practitioners/researchers participating in NIJ conferences, seminars, focus groups, planning sessions.	3,000	3,100	3,000	3,200	3,200
Intermediate Outcomes	10. Grantees level of satisfaction with NIJ Conferences.	NA	NA	NA	*NA	75%
End Outcomes	11. Percent improvement in the reliability of DNA testing.	NA	NA	**	**	**
	12. Number of arrests drug testing sites.	24	24	24	30	35
	13. Law enforcement technology grant deliverables (standards, product performance evaluations, product guides).	23	66	66	85	105
	14. Technologies commercialized through the private sector.	1	3	3	7	9
Productivity	15. Grant processing time (# of days). **	120	120	100	75	75
A. Definitions of Terms or Explanations for Indicators: NA						
B. Factors Affecting 1996 Program Performance.						
**Continuing resolutions interrupted the steady decline in grant processing time. Expect full return to decline in following years.						
***NIJ will be able to measure improvement beginning in FY 1999.						
C. Factors Affecting Selection of 1997 and 1998 Targets.						
Targets assume NIJ receives requested funding increases. *NIJ will begin collecting information re customer satisfaction w/ conferences in FY 1998.						
***NIJ will be able to measure improvement beginning in FY 1999.						

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Arrestee Drug Abuse Monitoring System (ADAM) (subset of NIJ)									
MISSION: To link drug use research to policy making in the nation's 75 largest cities by providing accurate, timely, locally representative information on arrestee drug use patterns.									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators			1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	
Input	1. Increase funding requested/total available.			NA	NA	NA	NA	\$4.4M	
	2. # of arrestee drug testing sites.			23	23	23	23	35	
Output/Activity	3. # of questionnaires with funding support for analysis.			0	0	0	0	13,000	
	4. # of days until questionnaire and urinalysis data available to local sites.			NA	NA	NA	NA	60 days	
Intermediate Outcome	5. # of sites receiving research design and quality control technical assistance.			4	5	5	6	35	
	6. # of arrestee drug testing outreach sites (suburban, rural and tribal lands). *			0	0	0	0	0	
	7. # of LECCs funded to coordinate ADAM sites.			NA	NA	NA	NA	35	
End Outcome	8. # of community drug research policy collaboratives.			0	0	0	0	35	
	9. # of issue-specific research addendums.			1	0	1	1	10	
	10. # of grants for drug-crime research supported by NIJ's non-technology based funds.			3	5	5	5	10	
A. Definitions of Terms or Explanations for Indicators: NA									
B. Factors Affecting 1996 Program Performance: NA									
C. Factors Affecting Selection of 1997 and 1998 Targets:									
*In FY 1999 and 2000, 75 outreach sites will be operational.									

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: NU Violence Against Women Research (subset of NU)						
MISSION: To achieve a highly effective, interdisciplinary, widely useful, and economic approach to the prevention, intervention and control of violence against women, by implementing the research recommendations from the National Research Council's study, <i>Understanding Violence Against Women</i> , which was mandated by Congress under the Violence Against Women Act.						
PERFORMANCE INDICATOR INFORMATION						
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
Input	1. Increase requested. 2. # of grant applications received.	NA NA	NA NA	NA NA	NA NA	\$7 M 170
Output/ Activity	3. # of awards made. 4. # of longitudinal studies of program effectiveness.	NA 0	NA 0	NA 0	NA 0	20 5
Intermediate Outcome	5. # of active studies on violence against women. 6. # of sites with evaluations of program effectiveness. 7. # of partnerships between universities and community agencies to study program effectiveness. 8. # of cost/benefit and cost effectiveness studies on prevention, intervention & control programs. 9. # of practitioner-oriented reports commissioned.*	NA NA NA NA 0	NA NA NA NA 0	NA NA NA NA 0	NA NA NA NA 0	30 5 10 2 2
End Outcome	10. # of published reports produced to inform state and local practitioners & policymakers about violence against women program effectiveness.** 11. # of longitudinal data sets produced to encourage secondary data analysis.* 12. # of newly developed measures of the consequences of violence against women.	NA NA NA 0	NA NA NA 0	NA NA NA 0	NA NA NA 0	0 0 0 0
Productivity/ Efficiency	13. Grant processing time.	NA	NA	NA	NA	75 days
A. Definitions of Terms or Explanations for Indicators: NA						
B. Factors Affecting 1996 Program Performance: NA						
C. Factors Affecting Selection of 1997 and 1998 Targets.						
1998 is too early to show end outcomes for final reports and products of awards issued that year. These outcomes can be expected in 1999 and 2000.						
* Outcome measures depend on the number of field-generated applications that meet NU standards for awards in all areas.						
** The final reports of the violence against women research awards will be submitted by the end of 1999, with products published in early 2000.						

**OFFICE OF JUSTICE PROGRAMS
CRIMINAL JUSTICE STATISTICAL PROGRAMS
PROGRAM PERFORMANCE INFORMATION
GOVERNMENT PERFORMANCE AND RESULTS ACT REQUIREMENTS**

Mission: To assist policy and decision-makers at the Federal, State, and local levels of government by providing for the collection, analysis, publication and dissemination of comprehensive and accurate statistical information concerning crime and the operation of the Nation's justice systems.

General Goals:

1. Collect, analysis, publish, and disseminate statistical information on crime and the operation of justice systems to the President, Congress, the Department, State and local executives and officials, the media and the public.
2. Maintain and develop an analytic program that addresses the implication of national justice statistics for Administration and Departmental policy and legislative initiatives.
3. Recommend national and international standards for justice statistics and to ensure the interstate comparability, reliability, and validity of justice statistics.
4. Conduct, support, and implement recommendations to improve the quality of justice statistics, records and information systems.
5. Encourage the development, maintenance, and utilization of State and local government organizations and facilities responsible for the collection and analysis of justice data and statistics.
6. Ensure compliance with requirements relating to confidentiality and security of data.
7. Assist users of BJS data in understanding statistics and methodologies, as well as interpreting published data.

OFFICE OF JUSTICE PROGRAMS
CRIMINAL JUSTICE STATISTICAL PROGRAMS
PROGRAM PERFORMANCE INFORMATION
(Dollars in thousands)

Criminal Justice Statistical Programs	Amount
1997 Appropriation	\$21,379
1998 Base	21,529
1998 Request	<u>21,529</u>
Increase/Decrease	---

BASE PROGRAM DESCRIPTION: The Bureau of Justice Statistics (BJS) is the United States' primary source for criminal justice statistics. BJS's statistical series capture data from the entire range of the justice system covering criminal victimizations and the consequences of these crimes for victims, law enforcement agencies, the nation's felony trial courts, and correctional agencies at all levels of government providing institutional and non-institutional supervision to about 5 million adults on an average day. In conducting these data collection programs, BJS:

- ▶ Interviews almost 100,000 citizens in 50,000 households about their experiences as crime victims.
- ▶ Details characteristics and consequences of over 43 million criminal victimizations.
- ▶ Analyzes operations of some 50,000 agencies, offices, courts, and institutions that together comprise the justice system.
- ▶ Counts populations and conducts surveys among the more than 5 million adults who during an average day are subject to the care, custody, or control of criminal justice authorities.

CRIMES AND VICTIMS

The *National Crime Victimization Survey (NCVS)* is the Nation's second largest ongoing household survey. Survey data tell us how

many rapes, sexual assaults, robberies, assaults, thefts, household burglaries, and motor vehicle thefts. U.S. residents age 12 or older and their households experience each year. Ongoing from 1973 and redesigned in 1992, the National Crime Victimization Survey is the Nation's primary source of information on crime victimization and the victims of crime, and is the only national crime measure that includes both those crimes that people experience but do not report to law enforcement authorities and those that they do report. During a collection year, data are obtained from a nationally representative sample of roughly 49,000 households comprising more than 100,000 persons on the impact, frequency, and consequences of criminal victimization in the United States. The NCVS furnishes the only national forum for victims to describe outcomes of crime and characteristics of violent offenders.

THE JUSTICE SYSTEM

Law Enforcement

Law Enforcement Management and Administrative Statistics (LEMAS) survey, conducted every three to four years, collects data from over 3,000 agencies, including all those that employ 100 or more sworn officers and a nationally representative sample of smaller agencies. Detailed data are obtained on the organization and administration of police and sheriff's departments. In addition, censuses of Federal, State, and local law enforcement agencies are conducted periodically, as well as the survey of campus law enforcement agencies.

Prosecution

National Prosecutors Survey Program, a biennial series, collects data on resources, policies, and practices of local prosecutors from a nationally representative sample of 290 prosecutors' offices in State court systems. The survey obtains basic information on staffing and operations and collects data on current topics such as the use of innovative prosecution techniques, intermediate sanctions, plea bargaining, and work-related assaults and disabilities.

Courts and Sentencing

National Judicial Reporting Program, conducted every two years, surveys a nationwide sample of county felony trial courts in 300 counties, collecting detailed information on demographic characteristics of felons, conviction offenses, type of sentences, sentence

lengths, and amount of time from arrest to conviction and sentencing.

State Court Processing Statistics (SCPS) (formerly, through 1994, National Pretrial Reporting Program (NPRP)) provides data on the criminal justice processing of persons charged with felonies in 40 jurisdictions representative of the 75 largest counties. The program prospectively tracks felony defendants from charging by the prosecutor until disposition of their cases or for a maximum of 12 months. Data are obtained on demographic characteristics, arrest offense, criminal justice status at time of arrest, prior arrests and convictions, bail and pretrial release, court appearance record, rearrests while on pretrial release, type and outcome of adjudication, disposition, and type and length of sentence.

Civil Justice Survey of State Courts collects civil caseload data for a one-year period from a sample of counties representative of the nation's 75 largest counties, including case type, outcome, jury awards, type of parties, legal representation, and dates of filing and disposition.

Survey of State Court Organizations provides basic descriptive information on the Nation's court systems such as grand juries, jury verdict rules, case selection, judicial selection, and sentencing provisions.

Federal Justice Statistics Series provides annual data on workload, activities, and outcomes associated with Federal criminal cases. Information is acquired on all aspects of processing in the Federal justice system, including the number of persons investigated, prosecuted, convicted, incarcerated, sentenced to probation, released pretrial, and under parole or other supervision; initial prosecution decisions, referrals to magistrates, court dispositions, sentencing outcomes, sentence length, and time served. The program collects data from the Executive Office of U.S. Attorneys, the Pretrial Services Agency, the Administrative Office of the U.S. Courts, the U.S. Sentencing Commission, and the Federal Bureau of Prisons.

Corrections

The corrections statistics program provides systematic information on correctional populations and facilities gathered from Federal, State, and local governments, and covers the major sub-units of the corrections system -- probation, jails, prisons, and parole. The overall program consists of the following components: (1) annual counts and characteristics of persons entering or exiting probation and parole; (2) annual and mid-year counts of incarcerated persons in State and Federal prisons and local jails; (3) annual statistics on persons admitted or released from State and Federal prisons and on persons released from parole supervision; (4)

annual counts and characteristics of persons sentenced to death; (5) quinquennial surveys of national samples of prison and jail inmates and adult probationers; (6) censuses of State and local correctional facilities and parole and probation agencies; and (7) follow-ups of persons discharged from a correctional status in order to evaluate post-release outcome.

Expenditure and Employment

Criminal Justice Expenditure and Employment Program collects, analyzes, and publishes data on the cost of operating the Nation's criminal justice systems. Using extract data from the Census Bureau's ongoing finance and employment survey series, BIS produces national estimates of expenditures and employment relating to major criminal justice activities, including police protection, prosecution, legal services, public defense, and corrections.

Criminal Records Systems

Criminal Records Data Quality Program supports surveys, studies, conferences, and technical assistance on issues relating to criminal justice records. Primary emphasis is on accuracy and completeness of records, limitations on dissemination, commingling of juvenile and adult records, data auditing techniques and the interstate exchange of records. Under this program, the 50 State Survey of Criminal History Information Systems is conducted, providing information on the technology, policy and legislative status of criminal history records.

STATE-LEVEL ANALYTICAL SUPPORT

BIS has continued to encourage the development and utilization of State-level statistical data by providing technical and financial support to State statistical and operating agencies responsible for a wide variety of analytical activities in their own State. The State Statistical Analysis Centers (SACs) analyze and disseminate statistical information, coordinate State criminal justice statistical activities among State, county, and city agencies, and provide improved State data for BIS analyses. They also assist the executive and legislative branches in each State to assess the likely consequences of new legislation on the operations and resources of the criminal justice system. Through Federal funding over the years, BIS has created SACs in every State, the District of Columbia, and three Territories; presently, there are 48 active SACs. Beginning in 1997, BIS, in conjunction with other OJP components, is funding the state statistical analysis centers to focus their analysis activities on particular criminal justice issues which will be selected for nationwide consistency and interest across the states and will change every six months.

ACCOMPLISHMENTS/GOAL-ORIENTED RESULTS: The Bureau of Justice Statistics continues year after year to bring critical information to bear on criminal justice issues that challenge the American society.

BJS Produces Comprehensive and Accurate Data on Crime and Justice System Operations

Victimization Statistics

- BJS released 1995 preliminary National Crime Victimization Survey findings in September 1996 which report that non-fatal crimes of violence and theft in the nation declined by almost 7 percent in 1995, amounting to almost 3 million fewer offenses than in 1994. The NCVS reveals a 9-percent decline in non-fatal violent offense levels (9.9 million for 1995 compared to 10.9 million for 1994), interrupting a rising trend since the mid-1980s; and a decrease in the rate of crimes of theft, continuing a 20-year pattern of decreasing rates.
- *Female Victims of Violent Crime: Selected Findings*, published by BJS in December 1996, includes 1992-94 data for rape/sexual assault, robbery, and assault from the redesigned NCVS, victimization trend data for 1973-94 adjusted for the redesign, and homicide data from the 1995 FBI Uniform Crime Reports. It summarizes the latest published data on both fatal and nonfatal violence between intimates (present or former spouse, boyfriend, or girlfriend) as opposed to relatives, friends or acquaintances, and strangers. Findings reveal that in 1994, women were about two-thirds as likely as men to be victims of violence, females represented 21 percent of all known homicide victims in the U.S. and 9 out of 10 female murder victims were killed by males.
- In spring 1997, BJS in collaboration with the Administration for Children and Families of the Department of Health and Human Services and the Consumer Product Safety Commission (CPSC), will release findings from a 27-month study of the CPSC's national sample of hospital emergency rooms which obtained information on intentional injuries, such as domestic violence, rape, and child abuse, that require emergency room treatment. This is a major new area for data collection and is designed to supplement existing NCVS statistical information. Data to be released indicate that about 1.4 million people were treated in hospital emergency rooms in 1994 for intentionally or possibly intentionally sustained injuries. Of these injuries, about 7 percent were inflicted by a spouse or ex-spouse and an additional 8 percent were inflicted by another relative.

Law Enforcement Statistics

- BJS published findings from the first-ever data collection of the Campus Law Enforcement Agency Survey which collects

data from nearly 600 campus law enforcement agencies serving 4-year colleges and universities with 2,500 or more students describing agency operations, personnel characteristics, expenditures and salaries, equipment, computers and information systems, policy directives, and general campus characteristics, including crime statistics. Findings based on this new BJS survey reveal that three-fourths of these agencies used sworn police officers while the remainder relied on nonsworn security officers. Public campuses (93%) were more likely to have sworn officers than those under private control (43%); however, about three-fourths of the private universities with 10,000 or more students used sworn police. Per student employment and expenditure for law enforcement at private institutions was nearly twice that of public campuses. Nearly all agencies operated general crime prevention programs on campus, and about two-thirds had programs aimed specifically at rape prevention.

- Based on 1993 Law Enforcement Management and Administrative Statistics (LEMAS) program data, BJS released *Local Police Departments, 1993 and Sheriffs' Departments, 1993* which present data from nationally representative samples of the more than 12,000 general-purpose local police departments and the nearly 3,100 sheriffs' departments operating nationwide describing the number and size of agencies, job classification of personnel, race and sex of sworn personnel, agency functions, 911 system, lockup facilities, operating expenditures, starting salaries, special pay, education and training requirements, sidearms, nonlethal weapons, body armor policies, vehicle use policies, computers, and written policy directives. *Law Enforcement Management and Administrative Statistics, 1993: Data for Individual State and Local Agencies with 100 or More Officers* reports agency-specific data collected from 661 State and local agencies that employed 100 or more sworn officers.

Court and Sentencing Statistics

- BJS is currently collecting data from a national sample of felony trial courts in 300 counties under the National Judicial Reporting Program (NJRP) for reference year 1994. The most recent findings from the 1992 data collection are presented in: *Felony Sentences in the United States, 1992* which reports that almost 900,000 felons were convicted in State courts throughout the U.S. in 1992. One-third of these offenses were for drug offenses. *State Court Sentencing of Convicted Felons, 1992*, provides data on the number of felony offenders in State courts, convictions and sentences received, demographic characteristics of convicted felons, processing of felony conviction cases, regional variation in adjudication and sentencing, and trends in drug trafficking from 1986 to 1992.

- The civil justice statistics project was the first of its kind to assess scope and nature of the civil court workload in the Nation. The study documented the number and type of civil actions, outcomes, and jury awards. Study findings on tort cases and jury awards in particular will serve as benchmarks for evaluating the numerous civil justice reforms taking place throughout the Nation. To facilitate widespread use of these data, BJS produced a civil justice CD-ROM containing all datasets, programs, and reports for general distribution. Recently released findings from this first-ever survey include: *Contract Cases in Large Counties*; *Civil Justice Survey of State Courts, 1992*; *Tort Cases in Large Counties, 1992*; and *Civil Jury Cases and Verdicts in Large Counties, 1992*.
- BJS recently published findings from the 1994 National Prosecutor Survey. Prosecutors in State Courts, the most recent in a series of biennial sample surveys of the Nation's 2,300 State court prosecutors. Almost 90% of the offices prosecuted domestic violence and child abuse cases. Half the offices reported that a staff member received a work-related threat or assault. More than half the offices in large metropolitan areas had specialized units to handle juvenile cases in adult criminal court. New topic areas covered in this report include juvenile cases waived to criminal court, the cross-designation of prosecutors to litigate in Federal court, procedures for handling civil actions against prosecutors and other professional staff, and types of community involvement by prosecutors.
- State court processing data are currently being analyzed for those offenders charged with a felony during the month of May 1994 with published findings from this data collection expected in the spring of 1997. The most recent published data are available in *Felony Defendants in Large Urban Counties, 1992* which presents characteristics of felony defendants in large urban counties; criminal history; pretrial release by type of release, bail amount, and most serious arrest charge; time from arrest to adjudication; adjudication outcome; and sentences received.
- BJS recently published selected findings drawn from various BJS surveys containing information related to the indigent defense for criminal defendants. Twenty-eight percent of State court prosecutors reported in 1992 that their jurisdiction used public defender programs exclusively to provide indigent counsel. About three-fourths of the inmates in State prisons and about half of those in Federal prisons in 1991 received publicly-provided legal counsel for the offense for which they were serving time.
- The Federal Justice Statistics program continues to serve as a valuable information resource. BJS recently provided statistics describing substantial assistance departures by Federal judicial district to an Attorney General-sponsored working

group on racial disparity. Additionally, BJS is currently providing assistance to the policy committee on Youth in Federal Custody on identifying juveniles processed in the Federal criminal justice system. In August 1996, BJS released the special report, *Noncitizens in the Federal Criminal Justice System, 1984-94*, which describes noncitizens processed in the Federal justice system, including the number prosecuted and incarcerated from 1984 to 1994, the offenses for which they were prosecuted, and the sanctions imposed. The report reveals that the number of noncitizens prosecuted in U.S. district courts increased almost 350%, from 3,462 during 1984 to 10,352 during 1994. Approximately 50% of noncitizens prosecuted in U.S. district courts were charged with a drug offense.

Corrections Statistics

- BJS is conducting the 1997 Survey of Inmates in State and Federal Correctional Facilities to collect information on individual characteristics of prison inmates, current offenses and sentences, characteristics of victims, criminal histories, family background, gun possession and use, prior drug and alcohol use and treatment, educational programs and other services provided while in prison, as well as other personal characteristics. Data are collected through personal interviews with a nationally representative sample of 14,000 State prison inmates and 3500 Federal inmates in about 300 State prisons and 40 Federal prisons.
- BJS is currently analyzing data collected from the first National Survey of Adult Probationers representative of 2.5 million adults with interviews and data collection in 166 probation departments with preliminary findings being released at the American Probation and Parole Association conference in January 1997. The survey provides for the first time a thorough understanding of the backgrounds of offenders receiving the least severe criminal sanction; estimates of probationers' level of drug and alcohol use; for violent offenders, a profile of victims; measurement of the amount of drug treatment available and used; examination of the effects of early application of probation on recidivism and on seriousness of crimes; and a description of how probation is applied with other sentence elements like incarceration, fines, and program participation.
- In 1996, BJS completed the data collection for the 1995 Survey of Inmates in Local Jails which relies on personal interviews with a nationally representative sample of nearly 6,500 inmates. The local jail inmate population includes persons who belong to all parts of the criminal justice continuum - those awaiting trial, those sentenced to jail and serving their sentence, and those sentenced to prison and awaiting transfer. The survey will provide a current understanding of the criminal histories and patterns of alcohol and drug abuse of the offenders who are incarcerated. This set of interviews was

the first BJS survey administered with laptop computers which is expected to significantly increase efficiency.

- Other recent findings on corrections are reported in:
Prison and Jail Inmates, 1995 reports that there were almost 1.6 million men and women in the nation's jails and prisons in 1995.
Probation and Parole Populations, 1995 presents that at the end of 1995, 3.8 million men and women were on probation or parole, an increase of 119,000 during the year.
Capital Punishment, 1995 reports that sixteen states executed 56 men in 1995 -- the most in 35 years.
HIV in Prisons, 1994 reveals that at yearend 1994, 2.3 % of the 999,693 State and Federal prison inmates were known to be infected with the human immunodeficiency virus.

BJS Data Is of Critical Importance to Many Administration and Legislative Goals

BJS will continue to develop and maintain an analytic program which addresses the implications of national justice statistics for Administration and Departmental policy and legislative initiatives.

- BJS prepared the congressionally-mandated study of offenders who committed crimes against children required under the National Child Protection Act of 1993. The report, *Child Victims: Violent Offenders and Their Victims*, released March 1996, presents that (a) 1 in 5 violent State prisoners (about 65,000 offenders) reported a victim under age 18; (b) older violent inmates were substantially more likely than younger inmates to have victimized a child; and (c) 8 out of 10 prisoners convicted of sexual assault had committed their crime against a victim under age 18. The report describes the sociodemographic data on these offenders, the physical or sexual abuse they may have experienced, their current offense, their criminal history backgrounds (including prior offenses against children), and their use of drugs or alcohol at the time of the offense. For child victims of adult offenders, the study includes their sociodemographic backgrounds, the victim-offender relationship, and the consequences to the victim, such as injuries and weapon use by the offender.
- The *National Data Collection on Police Use of Force*, jointly published by BJS and NIJ in April 1996, as required under Section 210402 of the Violent Crime Control and Law Enforcement Act of 1994, describes the findings about police use of

force from existing research, explains the efforts being undertaken by the Department, and summarizes the issues associated with establishing a national data collection system.

Because a national data collection system which records police use of force incidents does not exist, the Department of Justice has embarked on a number of steps that will collect such data: (1) BJS has field tested a National household survey to assess how often police-public contacts result in use of force; (2) BJS and NIJ are sponsoring the National Police Use of Force Database; and (3) NIJ is funding several site-specific research projects on use of force.

The congressionally mandated report, *Domestic and Sexual Violence Data Collection: A Report to Congress under Violence Against Women Act*, supported by the National Institute of Justice and the Bureau of Justice Statistics, looks at how States and the Federal Government collect data on the incidence of sexual and domestic violence offenses. It identifies ways in which States could centralize data collection and examines problems of Federal statistical recordkeeping of criminal complaints of domestic violence-related. Information for the report came from a panel of experts on sexual and domestic violence and a survey of the States. The most significant finding was that the Federal Government and a majority of States (35 for domestic violence and 30 for sexual violence) gather annual statistics on these crimes. To improve reporting and to obtain more comprehensive statistics will require coordination and cooperation at all levels of government. As mandated by Congress in the Violence Against Women Act of 1994, the report represents first step in analyzing how to ensure reliable statistics on the extent and nature of violent crimes against women.

BJS provided assistance to the Department's Corrections Program Office in implementing the grant provisions of the Crime Act relating to the Violent Offender Incarceration and Truth-in-Sentencing Incentive programs. Staff have reviewed draft language, met with Congressional appropriations staff, and developed questionnaires required for determining eligibility and allocation of funds. Data collections efforts involve working with the states and territories to estimate needed arrest and incarceration data where actual counts are unavailable. BJS staff are structuring the methodology and worksheets for calculating percentage increases in persons arrested for violent crime sentenced to prison, average prison time served, average percent of sentenced served by violent offenders, and increases in new court commitments of violent offenders.

The Department, the Administration, and the national law enforcement community continued to rely on BJS for accurate and timely information on the Nation's police strength. Through its national census of state and local law enforcement agencies, BJS provided critical information on the number of police agencies and officers to Administration officials

designing national law enforcement assistance programs.

- BJS conducted special analyses to estimate the number of juvenile defendants in the Federal criminal justice system. These analyses supported policy development activities of the Policy Committee on Youth in Federal Custody as part of the Juvenile Justice Coordinating Committee chaired by the Attorney General.
- At the request of the Attorney General, BJS produced the report *Comparing Case Processing Statistics for the Interagency Working Group on Federal Statistics*. This report is designed to better inform policymakers of the differences in statistics reported by the various Federal criminal justice agencies. BJS is leading an interagency effort to identify the differences in case processing statistics and to reconcile the reported statistics and develop methods that will facilitate the comparison of criminal case processing statistics across agencies.

BJS Provides High-Tech Access to Statistical Information, Publications, and Databases

BJS is currently making substantial changes to the way it provides access to its statistical data reports and data files. BJS provides many new ways for users to electronically obtain its products -- Internet access, Fax-on-Demand and Automated Mass Faxing Systems, and BJS-sponsored Bulletin Board Systems.

- The latest BJS crime data are now available free of charge on the Internet at BJS's new home page -- <http://www.ojp.usdoj.gov/bjs/>. Criminal justice reports, spreadsheets and news releases are electronically available in a variety of formats. BJS reports are linked to the raw datasets used in the report, which can be downloaded from the BJS-sponsored National Archive of Criminal Justice Data. The BJS Internet site was named "Best 5% on the Web" within the last six months.

Users of BJS publications can access electronic spreadsheets of data tabulations that appear in the publications, and from those spreadsheets users will be linked to the documentation for data utilized in a report. In this way the technical information on published analyses will be extended beyond the printed methodological appendices routinely included in BJS documents. The very popular BJS report, *Sourcebook of Criminal Justice Statistics, 1995*, is now available online at <http://www.albany.edu/sourcebook>.

The BJS homepage also includes the most current BJS data releases and activities, descriptions of BJS statistical series and intergovernmental assistance programs and provides links to many other criminal justice statistical sources. The BJS Internet site is accessed by approximately 450 users per day with about 4,000 total requests. BJS encourages all users of its homepage to send electronically comments, suggestions, and information inquiries to askbjs@ojp.usdoj.gov. The Internet has proved to be the most efficient way BJS can make its information accessible to those who need it instantly.

- BJS staff provided technical assistance in the development of the White House's *Social Statistics Briefing Room* Internet site which provides access to a variety of social science data, including BJS criminal justice statistics, as well as links users to the Internet sites of the Federal agencies maintaining the data. Likewise, users of the BJS site can directly access the White House homepage as well as other Federal agencies.
- BJS conducted a user survey to explore demand for its products and how customers may use a variety of electronic means to meet their information requirements. The responses indicated a feasibility of any combination of fax technology (64%), computers (69%), or online transmission (60%). This outcome also pointed the way to greatly expanded services through the Internet. *The Flow of Criminal Justice Statistical Information by Electronic Means* reports the results of this survey.
- Approximately a year ago, BJS implemented a fax broadcasting system to replace as much media mailing as possible with mass-faxing, which is cheaper and faster. Nearly 70% of our media customers, 800 out of 1200, now get their faxes overnight instead of 1 to 7 days later. Since the media are the middlemen between BJS and the public and timeliness and convenience to the media drive our success, BJS is pleased to have received positive feedback from those media contacts using mass-faxing.

In addition, BJS has implemented a fax-on-demand system in which users can immediately receive faxed reports and press releases from BJS by ordering them through a touch tone telephone menu.

BJS Assists in the Development and Utilization of State and Local Data and Information Systems

- BJS is sponsoring a joint BJS/FBI project on the Study of National Incident Based Reporting Systems (NIBRS) Reporting in Law Enforcement Agencies. Through a cooperative agreement to SEARCH Group Inc., the National Consortium for Justice Information and Statistics, the study will identify the most important impediments to full NIBRS participation and the most

promising and cost effective approaches to encouraging wider and more rapid adoption of full NIBRS.

The study will include a brief history of the course of NIBRS implementation over the last decade, including the response of law enforcement agencies, states, the private software industry, Federal agencies, and associations such as the Association of State Uniform Crime Reporting Programs, International Association of Chiefs of Police, and National Sheriffs Association. The current status of NIBRS will be summarized with input from BJS and the FBI. The impediments to the full implementation of NIBRS will be identified, categorized, and clarified. The concerns expressed by state UCR programs, states that do not have State-level programs, major city and county law enforcement agencies, smaller law enforcement agencies, and major associations will be described. As part of this research effort, specific examples of state and local "advanced" incident-based systems that do not conform to NIBRS will be identified.

- BJS has continued its Federal role in conducting and supporting activities to improve the quality of justice statistics, records, and information systems at the State level. BJS recently conducted the third Survey of Criminal History Record Information Systems, which obtained data as of year-end 1993 on the number of records maintained by each State, the percentage of automated records in the system and in the master name index, levels of fingerprint-supported data, the number of dispositions received, the percentage of records with disposition data included, State membership in the FBI's Interstate Identification Index, and procedures followed in connection with presale firearm checks.

BJS recently released the report, *Compendium of State Privacy and Security Legislation: 1994 Overview*, which presents an overview of State legislation governing the privacy, security, maintenance, and dissemination of criminal history records.

- In 1997, BJS announced the State Justice Statistical Program for Statistical Analysis Centers. Under this program, BJS, in conjunction with other OJP components, identifies particular criminal justice topics for in-depth analysis and encourages SACs to conduct research and publish findings on these issues. During the first six months of FY 1997, BJS and OJJDP are encouraging SACs to focus on topics related to juvenile justice and violence including offenders, incarceration with the adult system, and the impact of trends.

PROGRAM CHANGE: There is no change from the 1997 appropriated level.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Criminal Justice Statistical Programs									
MISSION: To assist policy and decision makers at the Federal, State, and local levels of government by providing for the collection, analysis, publication, and dissemination of comprehensive and accurate statistical information concerning crime and the criminal justice system.									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	PERFORMANCE TARGETS AND ACTUAL RESULTS							
		1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target			
Input	1. Appropriation 2. Staff resources, FTE	\$21.4M 48	\$21.4M 50	\$21.4M 50	\$21.4M 54	\$21.5M			
Output/Activity	DATA COLLECTION, ANALYSIS, & PUBLICATION								
	2. Major annual data collections conducted	9	9	9	9	9			9
	3. Major periodic data collections conducted	2	5	4	2	5			5
	4. Special data collections conducted	1	0	0	0	0			0
	5. Statistical publications prepared by BJS (in-house analyses, report writing, and publication development)	35	35	29	35	35			35
	Large reports (100+ pages)	(3)	(3)	(3)	(3)	(3)			(3)
	Mini reports (20-100 pages)	(4)	(4)	(4)	(4)	(4)			(4)
	Bulletins and Special Reports (up to 20 pages)	(14)	(14)	(14)	(14)	(14)			(14)
	Data Briefs/Selected Findings (up to 10 pages)	(12)	(10)	(10)	(12)	(12)			(12)
	All Others	(2)	(6)	(6)	(2)	(2)			(2)
	6. Statistical reports prepared by BJS, sponsored organizations and published by BJS	13	5	5	5	5			5
	7. Media releases, including those reports put on newswire	19	16	11	16	16			16
	8. Professional meetings and conference exhibits demonstrating BJS reports and products	158	90	69	70	70			70
	9. Electronic datasets made available through the Criminal Justice data archive	886	880	954	960	975			975
	10. Support for State statistical activities (number of cooperative agreements)	41	45	41	40	40			40

Intermediate Outcomes	REQUESTS FOR BIS DATA:	778,817	788,817	816,766	785,000	780,000
	11. Statistical reports requested and disseminated by the BIS Clearinghouse by mail	13,045	22,000	7,417	7,000	6,500
	12. Telephone requests for data and reports filled by BIS Clearinghouse	36,651	33,000	28,500	26,000	26,000
	13. Subscribers on BIS mailing list for publication distribution					
	Datasets and documentation requested and disseminated by the criminal justice data archives:					
	14. Studies and code books disseminated (by traditional media)	2,361	2,300	2,767	2,800	2,850
	15. Datasets distributed on CD Rom	11,160	9,100	1,715	1,500	1,000
	16. Datasets distributed on computerized database	503	475	152	123	100
	17. Information products disseminated from the criminal justice data archives by mail	33,164	26,610	26,610	25,000	24,000
	BIS Internet WWW Home Page					
	18. Average number users per day	--	425	590	650	700
	19. Average number contacts (hits) for information per day	--	3,050	3,540	3,400	4,200
	20. Inquiries to BIS e-mail per year	--	480	485	500	520
	National Archive of Criminal Justice Data Website					
	21. Average number of contacts (hits) for information, browsing or downloading per day	--	250	663	675	700
	21. Study files downloaded - WWW & FTP (data, codebooks, scripts)	--	8,800	17,099	17,500	18,200
Intermediate Outcomes	Distribution through automated faxing systems:					
	Fax-on-demand --	--				
	22. Requests	--		3,864	4,000	4,200
	23. Pages faxed	--		32,831	34,000	35,700
	24. Subscribers	--		800	810	820
	25. Pages faxed	--		80,000	81,000	82,000
	26. Contacts for information from BIS-sponsored electronic bulletin board systems (BBS)	20,923		9,716	7,500	5,000

End Outcomes	USES AND USERS OF BIS DATA				
	Media citations of BIS data (conservative estimate)				
	Daily newspapers	--	37,500 (7,500)	37,600 (7,510)	37,700 (7,515)
	Radio and TV news spots		(30,000)	(30,090)	(30,185)
	Federal and State court case opinions citing BIS data (Lexis/Nexis metafile)	--	12	14	16
	General breakdown of BIS users				
	Federal policymakers and practitioners	--	4%	5%	5%
	State and local policymakers and practitioners	--	27%	32%	32%
	Private organizations	--	27%	27%	27%
	Faculty/students	--	22%	22%	22%
	General public	--	12%	12%	12%
	Other	--	8%	2%	2%

A. Definitions of Terms or Explanations for Indicators: Fax-on-demand refers to an automated fax delivery system in which customers call a toll free number and request documents through a touchtone menu. Fax broadcasting refers to mass faxing to several hundred destinations at a single time. Please note that the figures describing results of the datasets disseminated by the data archives do not include those datasets acquired remotely through the University of Michigan terminal system; no records are maintained on this usage.

B. Factors Affecting 1996 Program Performance: The reduction in statistical reports disseminated by mail is attributable to the decrease of bulk mailings of reports and an increase in use of electronic dissemination mechanisms. The reduction in telephone requests for data and the number of subscribers on the BIS mailing list is attributable to the increase in the use of on-line services. The reduction in the number of datasets distributed on CD Rom and customized diskette results from an increase in the number of datasets downloaded by users. BIS reports are available through various Bulletin Board Systems (BBS) and Internet. BIS distributed many of its publications through mass faxing, as well as fax-on-demand systems.

C. Factors Affecting Selection of 1997 and 1998 Targets: BIS anticipates a continual decrease in its customers' use of traditional (paper) methods of dissemination due to the increased preference of users to obtain reports and data from electronic means, such as the Internet and automated faxing systems. BIS expects that its support of electronic BIS will be short term as users make a transition to Internet use.

**OFFICE OF JUSTICE PROGRAMS
NATIONAL SEXUAL OFFENDER REGISTRY
PROGRAM PERFORMANCE INFORMATION
GOVERNMENT PERFORMANCE AND RESULTS ACT REQUIREMENTS**

MISSION: To identify, collect and exchange state-level sexual offender data through an automated national registry.

GENERAL GOAL: Assist states in developing complete and accurate in-state registries and to transmit registry information to the national system.

OFFICE OF JUSTICE PROGRAMS
NATIONAL SEXUAL OFFENDER REGISTRY
PROGRAM PERFORMANCE INFORMATION
(Dollars in thousands)

National Sexual Offender Registry		Amount
1997 Appropriation		\$ 0
1998 Base		0
1998 Request		25,000
	<i>Increase/Decrease</i>	+ 25,000

BASE PROGRAM DESCRIPTION: On June 21, 1996, the President issued a directive to the Attorney General to identify obstacles to building a national sexual offender registry. On August 24, 1996 the President announced that DOJ would begin development of the registry and that implementation of the registry plan will begin in early fiscal year 1997. The FBI will manage the registry that will be supported with data on sexual offender records supplied by the states. This new program will initiate the development of such a registry on a nationwide basis by assisting states to identify, collect, and provide sexual offender data for exchange through the registry. Because this Presidential initiative is closely related to the ongoing efforts to improve criminal history records and to provide for a national instant background check system (NICS) as required by the Brady Act, this effort will be closely tied to and coordinated with the overall goals of having better and more useable records on the criminal careers of offenders.

The National Sexual Offender Registry (NSOR) component of the Criminal Records Upgrade Program will have two principal objectives--to assist States in developing complete and accurate in-state registries which meet the requirements of the Jacob Wetterling Act, Megan's Law, the Pam Lychner Sexual Offender Tracking and Identification Act, and related State standards and to assist States in sharing their registry information with the FBI "Flash" system which identifies those offenders for whom special law enforcement interest has been noted. Unlike the name-based background check provided by NICS system, the NSOR requires the submission of fingerprints to the State registry in order to attach "Flash" notices to records for the proper individuals.

NSOR development in the States will be carried out through agencies already identified by the governor to administer funds received under the National Criminal History Improvement Program (NCHIP). In addition, technical assistance will be provided

to aid States in interfacing their own registries with the FBI record holding and the Interstate Identification Index (IJI) to make certain that "Flash" notices are attached to records. In this way, by either fingerprint inquiry or by IJI inquiry, the inquiring agency will be made aware of the presence of a "Flash" notice.

Nearly all States have developed some form of sexual offender registration. The number of offenders who must comply with the registration statutes is not yet known. States vary in the types of offenders subject to registration and the period of time following conviction or release to the community after serving a prison term when they must continue to register. Registration may be necessary for many years following the conviction and, in some states, is required for life. Most States also provide a wide variety of procedures for obtaining court-ordered reductions in registration requirements, often permitting substantial decreases in the duration of registration.

States also vary enormously in their capabilities to initiate and maintain an automated registry which can accurately interface with the national registry in a timely fashion. Some States' criminal records systems, from which registry-eligible sexual offenders will need to be identified, will require substantial development before their full and complete participation in the national registry will be possible. Some may only be capable of identifying newly convicted sexual offenders; for these jurisdictions, assistance will be necessary to automate or retrieve relevant records of convictions from the past which would identify covered offenders. Some states with well-developed State registries will need assistance in developing the communication interface with the FBI and continuing maintenance of their own systems and their input to the national registry.

Any funding under this program will give priority to assisting those States with the least developed capability to participate in the national registry. Because of the potential direct and collateral consequences of erroneous identification through the national registry, it is imperative that a strong emphasis be placed upon the accuracy and completeness of the information contained in the contributing State registries. In addition, there is substantial concern about the ability of offenders to cross State lines to evade State registration requirements in those jurisdictions with lesser developed registries. Continuous maintenance of the highest possible level of accuracy and timeliness by the States is essential to ensure that the President's goal to establish an effective national registry of sexual offenders is realized.

PROGRAM CHANGE: In 1998, \$25 million is requested for this program. This funding will enhance State systems to: (1) permit automated input from courts, corrections, etc; (2) automate non-automated registries; (3) develop online access for law enforcement across the state; (4) develop procedures and software to permit automated input to the FBI "Flash" system; (5)

provide education to persons responsible for inputting data on registrants; (6) support fingerprinting for out-of-state registrants; (7) provide access to juvenile records where appropriate under State law; and, (8) ensure that data in the registries is accurate, complete, and up-to-date. Additionally, since most systems currently operating have only been established since 1993, records of sexual offenders previously convicted and released from prisons or placed on probation may be included. Funds are also needed to review existing records (both manual and automated) to include such sexual offenders.

In addition to the development of the registries, technical assistance is also needed to ensure compliance with the FBI's system requirements ("Flash" or any successor design). To provide high visibility for the National Registry, a national conference (and/or regional workshops) will be convened with representatives of every state registry. The two-day meeting will describe relevant legislation and policy, provide details on submission procedures, provide technical assistance on modification of existing systems to facilitate submissions to "Flash", and address differences in definitions/classifications. Documents prepared from the meeting transcripts would be provided for later use by the states.

PROGRAM CHANGE: This is a new program in 1998.

**OFFICE OF JUSTICE PROGRAMS
MISSING CHILDREN
PROGRAM PERFORMANCE INFORMATION
GOVERNMENT PERFORMANCE AND RESULTS ACT REQUIREMENTS**

MISSION: To reduce the incidence of crimes against children, particularly kidnapping and sexual exploitation, and to improve the criminal justice, social services and treatment systems that are responsible for dealing with these crimes when they occur

GENERAL GOALS:

1. To ensure that there is effective coordination among all Federally funded programs related to missing children
2. To establish and maintain a national resource center and clearinghouse to:
 - a. provide to State and local governments, public and private non-profit agencies, and individuals information regarding free or low cost legal, restaurant, lodging, and transportation services available to benefit missing children and their families; and information on Federal programs available to assist missing children and their families;
 - b. coordinate public and private programs that locate and recover missing children;
 - c. nationally disseminate information on innovative missing children's programs, services, and legislation; and;
 - d. provide technical assistance and training to law enforcement agencies, State and local government, private non-profit agencies, and individuals in the prevention, investigation, prosecution and treatment of the missing or exploited child case and in locating and recovering missing children.
3. To periodically conduct national incidence studies to determine the actual number of children reported missing each year, the number of children who are victims of stranger abductions, the number of children who are victims of parental kidnappings, and the number of missing children who are recovered each year.

4. To provide to State and local governments, public and private non-profit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.
5. To prepare an annual report to the President, Speaker of the House, and President pro tempore of the Senate that includes information contained in Section 404(o)(5) of the Juvenile Justice and Delinquency Prevention Act, as amended.
6. To provide a program to establish and maintain a 24-hour national toll-free telephone line where individuals may report information regarding the location of missing children and request information on reuniting such children with their families.

**OFFICE OF JUSTICE PROGRAMS
MISSING CHILDREN
PROGRAM PERFORMANCE INFORMATION**
(Dollars in thousands)

Missing Children	Amount
1997 Availability	\$ 5,971
1998 Base	5,971
1998 Request	5,971
Increase/Decrease	....

BASE PROGRAM DESCRIPTION: The public and the criminal justice community continues to be concerned about runaways and other missing and exploited children. During 1990, the National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMAART) was conducted, in which it was determined that the missing children problem is a set of five very different, and distinct problems. This study provided the first national estimates of the number of children in each of these categories for a given year. Results indicated that in 1988, there were an estimated 345,100 children who met the study definitions for family abductions. While an estimated 3,200 to 4,600 children were abducted by non-family members, of which 200-300 were defined as stereotypical (stranger) kidnappings, there were an estimated 114,000 attempted stranger abductions. An estimated 450,700 children ran away from their homes or from juvenile facilities; an estimated 127,100 were thrown out of their homes or abandoned by their parents; and finally, an estimated 438,200 children were lost, injured or otherwise missing for a specified period of time, depending on their age and disabilities. It was discovered that many of the children in the first four categories were not literally missing; caretakers did know where they were, but the problem was in recovering them. In 1994, a program solicitation was issued for NISMAART II which will be a new incidence study mandated by Title IV to look at other categories of missing children and update the previous study. This program is administered by the Office of Juvenile Justice and Delinquency Prevention and authorized under the Juvenile Justice and Delinquency Prevention Act of 1974, Title IV, as amended.

The Missing Children Program funds are used to enhance the efforts of State and local communities in their comprehensive response to missing and exploited children issues through such activities as direct assistance in planning and program development at the local level, and developing and disseminating policies, procedures and programmatic information related to search teams, investigations, crisis intervention activities, as well as reunification of youth with their family, and responding to issues related to victimization of the families and youth involved in the missing and exploitation problem.

Missing Children funds are also used to support research and demonstration programs that assess the psychological impact of abduction on children and families, the legal obstacles to the recovery and return of parentally abducted children, problems with reunification of missing children, identification of early risk factors and prevention of family abductions, examining the National Incidence-Based Reporting System as a potential source of data on child abductions, increasing understanding of child sexual exploitation, and effective screening of child care and youth service workers. Funds also support training and technical assistance for law enforcement, including State missing children clearinghouses, and prosecutors in missing child cases.

The Juvenile Justice and Delinquency Prevention Act (JJDPA) requires the Office of Juvenile Justice and Delinquency prevention to publish in the Federal Register for public comment annual research, demonstration and service program priorities for making grants and contracts pursuant to section 405 and the criteria based on merit for making such grants and contracts. The 1996 program priorities were published in July 1996, for 60 day public comment period and subsequently published in the Federal Register in final. The 1997 program priorities are expected to be published in the Federal Register in February for a 60 day comment period.

PROGRAM CHANGE: The 1998 request will maintain the Missing Children Program at its current appropriation level of \$5,971 million.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Missing Children's Program										
MISSION: To reduce the incidence of crime against children, particularly kidnapping and sexual exploitation, and to improve the criminal justice, social services and treatment systems that are responsible for dealing with these crimes when they occur.										
Type of Indicator	PERFORMANCE INDICATOR INFORMATION				PERFORMANCE TARGETS AND ACTUAL RESULTS					
	Performance Indicators	1995 Actual	1996		1997 Target	1998 Target				
			Target	Actual						
Input	1. Appropriations (dollars in thousands) 2. Number of applications received	\$5,971 35	\$5,971 35	\$5,971 35	\$5,971 22	\$5,971 23	\$5,971 46*			
Output/Activity	3. Number of applications reviewed. 4. Number of awards made.	23 24	58 24	22 24	23 22	23 23	46 30*			
Intermediate Outcome	5. Number of monitoring site visits made.	25	30	30	35	35	35			
End Outcome	6. Incidence of technical assistance provided by state clearinghouses. 7. Number of law enforcement investigators trained. 8. Number of hot line calls. 9. Publications distributed. 10. Number of criminal justice, regulatory and social service personnel trained. 11. Native American training and technical assistance.	13,000 2,500 119,000 1.82m 20,000 ..	13,250 2,550 125,000 1.85m 20,000 ..	13,250 2,550 107,181 1.7m 30,000 8	13,250 4,016 125,000 1.7m 30,000 49	13,250 4,016 125,000 1.4m 30,000 49	13,250 4,016 125,000 1.4m 30,000 49			
Productivity/ Efficiency	12. Average Full-Time-Equivalent spent on grant activity.	5 FTE	5 FTE	5 FTE	3.5 FTE	3.5 FTE	3.5 FTE			
A. Definitions of Terms or Explanations for Indicators: Measuring outcomes in terms of missing children is difficult due to wide spectrum of Title IV programming. For example, while there may be some correlation between training and increased recoveries of missing children, it is difficult to establish a direct relationship between training and a specific recovery. Other program products include: "A Report Card to the Nation" a document that promotes self assessment by states regarding their laws and procedures; establishment of time lines on known serial murderers to close previously unsolved homicides; studies that produce resource manuals, catalog of Federal services to missing, exploited children and their families; evaluations of state clearinghouses and non-profit organizations; resource and investigative guides for law enforcement involved in child homicide investigations and demonstration models all contribute to recovery of missing children.										
B. Factors Affecting 1996 Program Performance: N/A										
C. Factors Affecting Selection of 1997 and 1998 Targets:										
* In 1996, the number of applications increase as some of the continuation grants end, new programs are completed, and new grants are awarded. The difference between the number of applications received and the number of grants awarded is that less applications may be received for one new program while only one or two grants will be awarded.										

**OFFICE OF JUSTICE PROGRAMS
REGIONAL INFORMATION SHARING SYSTEM
PROGRAM PERFORMANCE INFORMATION
GOVERNMENT PERFORMANCE AND RESULTS ACT REQUIREMENTS**

MISSION: To enhance the ability of State and local criminal justice agencies to identify, target, and remove criminal conspiracies and activities spanning jurisdictional boundaries.

GENERAL GOALS:

1. To encourage and facilitate the rapid exchange and sharing of information pertaining to known or suspected criminals or criminal activity among Federal, State, and local law enforcement agencies.
2. To enhance coordination and communication among law enforcement agencies in addressing multi-jurisdictional crime.
3. To provide technical and financial resources to augment existing multi-jurisdictional enforcement resources (including loaning specialized equipment, training, and investigative expenses).

OFFICE OF JUSTICE PROGRAMS
REGIONAL INFORMATION SHARING SYSTEM
PROGRAM PERFORMANCE INFORMATION
(Dollars in thousands)

Regional Information Sharing System		Amount
1997 Appropriation		\$14,500
1998 Base		14,500
1998 Request		14,500
	<i>Increase/Decrease</i>	...

BASE PROGRAM DESCRIPTION: The Regional Information Sharing System (RISS) Program provides for regionally based information sharing centers throughout the United States to service State and local criminal justice agencies. The program maintains the operations of the six existing regional information sharing centers: the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network; the Mid-States Organized Crime Information Center; the New England State Police Information Network; the Regional Organized Crime Information Center; the Western States Information Network; and the Rocky Mountain Information Network. A description of the resources available through RISS is provided below. The first three are available from all sites. The remaining resources are available from some of the RISS sites.

Information Sharing. Every project maintains and operates an automated information sharing component that responds to the needs of participating enforcement agencies in addressing multi jurisdictional offenses and conspiracies. This component is capable of providing controlled input, dissemination, rapid retrieval, and systematic updating of information.

Analysts. Every project operates an analytical component to assist the project and participating agencies in the compilation, interpretation, and presentation of data provided to the project. This component responds to participating agency requests for analysis of investigative data.

Telecommunications. Projects maintain telecommunication systems designed to directly support the operation of the Information Sharing Component and Analytical Component and to support project-sponsored investigations and activities.

Investigative Support. Some projects operate an investigative support component by providing financial assistance to participating agencies so they can conduct multi-jurisdictional investigations.

Specialized Equipment. Most projects maintain a pool of specialized investigative equipment for loan to participating agencies.

Technical Assistance. Some projects maintain a component to provide technical assistance to member agencies. Project personnel and others in participating agencies offer consultation, advice, and information to member agencies concerning use of specialized equipment, investigative procedures, accounting of project funds, and information analysis.

Training. Most projects provide training to upgrade investigative skills of participating agency personnel. Such training assistance may consist of financial support to send personnel to training courses, seminars, and conferences, or more commonly the design and delivery of specialized training courses by project staff.

Electronic Connectivity. The RISS Program is currently in the final stages of completing electronic connectivity among six projects. This initiative, entitled "RISSNET," was completed in December 1996 and enables the RISS projects to access each project database electronically. This will provide a more timely and effective response to member agencies in the sharing and dissemination of information.

RISS and the FBI have entered into a cooperative agreement on domestic terrorism, specifically analytical products, training and information sharing. With electronic connectivity of the RISS projects (RISSNET), the FBI's National Security Division will have a node on the RISSNET network to better facilitate the sharing of information with State and local law enforcement in the area of domestic terrorism.

Prison Gangs. The RISS projects are currently working on a prison gang initiative with the National Major Gang Task Force (NMGTF). This prison gang intelligence project targets the sharing and dissemination of gang intelligence between the law enforcement and corrections community and encourages ongoing communication between the two fields. Through this effort, each project will have a prison gang analytical staff person dedicated exclusively to this effort.

PROGRAM CHANGE: The 1998 RISS funding request is \$14.5 million. This is the same level of funding requested in 1997.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Regional Information Sharing System						
MISSION: To enhance the ability of state and local criminal justice agencies to identify, target, and remove criminal conspiracies and activities spanning jurisdictional boundaries.						
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS			
Type of Indicator	Performance Indicators	1995 Actual	1996		1997 Target	1998 Target
			Target	Actual		
Input	1. Appropriations 2. Number of applications received (Program and T&A)	\$14.5M 7	\$14.5M 7	\$14.5M 7	\$14.5M 7	\$14.5M 7
Output/Activity	3. Number of applications reviewed 4. Number of awards made	7 7	7 7	7 7	7 7	7 7
Intermediate Outcome	5. Number of monitoring site visits to assess program operations, compliance with 28 CFR Part 23, and RISS funding guidelines 6. Number of advisory board meetings attended by project monitor to monitor policy development 7. Number of RISS members 8. Total subjects in database submitted by member agencies** 9. Number of inquiries from member agencies for information on criminal intelligence 10. Num. of suspect matches hit in project/order files where data was provided to member agencies 11. Num. of analytical service requests to member agencies for assist. in investigations/prosecutions 12. Num. of analytical products delivered to member agencies to assist in investigations/prosecutions	12 6 4,571 583,293 293,611 137,160 737 15,832	12 6 4,650 700,000 300,000 147,000 773 16,500	*** *** *** *** *** *** *** ***	12 6 4,800 820,000 325,000 157,000 800 17,000	14 6 6,000 910,000 350,000 167,000 830 17,500
End Outcome	13. Number of arrests made as a result of services provided by projects 14. Estimated value of narcotics seizures as a result of services provided by projects 15. Estimated value of property seizures as a result of services provided by projects 16. Estimated value of Civil RICO seizures as a result of services provided by projects***	7,279 54,735,856 31,911,706 890,745	10,000 60,000,000 35,000,000 438,000	*** *** *** ***	11,000 70,000,000 40,000,000 470,000	12,000 80,000,000 45,000,000 510,000
Productivity/Efficiency	17. Average staff hours per grant award 18. Average number of grants per program manager 19. Average number of staff hours per grant devoted to monitoring	65 20 440	40* 23 464*	*** *** ***	40 23 480	45 23 480
A. Definitions of Terms or Explanations for Indicators:						
* More hours devoted to monitoring.						
** Member agencies are the RISS customers.						
*** RICO seizures vary because of its cyclical nature and lack of manpower in most agencies. RICO seizures are not pursued as heavily as narcotics and property seizures.						
B. Factors Affecting 1996 Program Performance: **** Actual figures will be available in 1997.						
C. Factors Affecting Selection of 1997 and 1998 Targets: N/A						

**OFFICE OF JUSTICE PROGRAMS
WHITE COLLAR CRIME INFORMATION CENTER
PROGRAM PERFORMANCE INFORMATION
GOVERNMENT PERFORMANCE AND RESULTS ACT REQUIREMENTS**

MISSION: To support member agency investigations and prevention efforts related to economic crimes.

GENERAL GOALS:

1. To support and coordinate member agency multi-state investigations of white collar crimes.
2. To develop a national support system for the prevention, investigation, and prosecution of economic crimes.
3. To provide educational and training programs to criminal justice and regulatory agencies responsible for investigating economic crimes.
4. To support investigations of health care fraud and fraud against the elderly.
5. To provide no-cost services to member agencies including subjects such as information sharing, case funding, and training and research.

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OFFICE OF JUSTICE PROGRAMS
NATIONAL WHITE COLLAR CRIME INFORMATION CENTER
PROGRAM PERFORMANCE INFORMATION
(Dollars in thousands)

White Collar Crime Information Center	Amount
1997 Appropriation	\$3.850
1998 Base	3.850
1998 Request	3.850
<i>Increase/Decrease</i>	...

BASE PROGRAM DESCRIPTION: The National White Collar Crime Center (NWCCC) supports member agency multi-state investigations of white collar crimes. Investment, telemarketing, and securities fraud; boiler room operations; and advanced fee loans represent a sampling of the Center's undertakings. The Center is developing a National support system for the prevention, investigation, and prosecution of economic crimes, and is pursuing an educational and training component targeting agencies, both criminal law enforcement and regulatory, which have the responsibility of investigating economic crime. The Center will also enhance efforts to address health care fraud and fraud against the elderly. A description of services provided by the NWCCC follows.

Training and Research. The NWCCC has opened its Training and Research Institute (TRI) in Morgantown, West Virginia. The TRI has established a partnership with West Virginia University, in Morgantown to address research and technology related issues impacting economic crime investigations and prosecutions. The University makes available the extended resources of their schools of business, law, sociology, and computer science.

Civil/Administrative Database. In addition to their Criminal Intelligence Database, the NWCCC plans to develop a Civil/Administrative database which will contain non-criminal information related to civil or administrative economic or white collar violations.

Fraud. As a consultant to the Federal Trade Commission (FTC), Bureau of Consumer Protection, the Center analyzes information on telemarketing frauds stored in the FTC's automated database.

PROGRAM CHANGE: The 1998 NWCCC funding request of \$3.85 million is unchanged from the 1997 appropriation.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: National White Collar Crime Center		PERFORMANCE TARGETS AND ACTUAL RESULTS					
MISSION: To support member agency investigations and prevention efforts related to economic crimes		PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS			
Type of Indicator	Performance Indicators	1995 Actual	1996		1997 Target	1998 Target	
			Target	Actual			
Input	1. Appropriation	\$1.4M	\$3.85M	\$3.85M	\$3.85M	\$3.85M	
	2. Number of applications received (Program and T&A)	2	2	2	2	2	
Output/Activity	3. Number of applications reviewed	2	2	2	2	2	
	4. Number of awards made	2	2	2	2	2	
Intermediate Outcome	5. Number of monitoring site visits made	2	3	3	4	5	
End Outcome	6. Number of white collar crime investigations supported	50	60	**	70	75	
	7. Number of arrests as a result of services provided by projects	30	40	**	50	60	
	8. Number of individuals prosecuted	30	40	**	50	50	
	9. Number of individuals convicted	29	38	**	45	50	
	10. Number of criminal justice and regulatory personnel trained	700	800	**	900	1,000	
	11. Average staff hours per grant award	65	40*	**	40	40	
Productivity/ Efficiency	12. Average number of grants per program manager	50	22*	**	23	23	
	13. Average number of staff hours per grant devoted to monitoring	52	48*	**	64	64	
A. Definitions of Terms or Explanations for Indicators: N/A							
B. Factors Affecting 1996 Program Performance:							
• More hours devoted to monitoring.							
• Actual figures will be available in early 1997.							
C. Factors Affecting Selection of 1996 and 1997 Targets: N/A							

**OFFICE OF JUSTICE PROGRAMS
LOCAL FIREFIGHTER AND EMERGENCY SERVICES TRAINING
PROGRAM PERFORMANCE INFORMATION
GOVERNMENT PERFORMANCE AND RESULTS ACT REQUIREMENTS**

Mission: To support the integrated Federal initiative to counter terrorism training to enhance the capability of metropolitan fire and emergency services departments to respond more effectively to terrorist attacks.

General Goal: Enable metropolitan jurisdictions to participate in appropriate counter terrorism training and to acquire select equipment necessary for such training.

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OFFICE OF JUSTICE PROGRAMS
LOCAL FIREFIGHTER AND EMERGENCY SERVICES TRAINING
PROGRAM PERFORMANCE INFORMATION
(Dollars in thousands)

Local Firefighter and Emergency Services Training		Amount
1997 Appropriation		\$5,000
1998 Base		5,000
1998 Request		5,000
	<i>Increase/Decrease</i>	0

BASE PROGRAM DESCRIPTION: This program, authorized under section 819 of the Antiterrorism and Effective Death Penalty Act of 1996, provides grant funding to metropolitan fire and emergency services departments to train personnel and purchase equipment to enhance their ability to respond to terrorist attacks including nuclear, biological and chemical warfare and other explosive incidents. The Bureau of Justice Assistance (BJA) administers this program and estimates that approximately 120 "metropolitan" jurisdictions are eligible to participate. The Senior Interagency Coordination Group on Terrorism is coordinating the identification and training effort for State and local officials. BJA will participate, as appropriate, once the Group defines the training process to be utilized.

Program priorities in 1997 include:

- Identification of training priorities and gaps, to ensure program resources focus on meeting the training needs of metropolitan jurisdictions.
- Coordination of the funding process with the broad Federal training plan, to ensure that eligible jurisdictions receive the funds necessary to fully participate in training activities.
- Development of a process to provide the necessary protective equipment for training purposes and, to the extent possible, provide similar equipment to participating jurisdictions for use in subsequent training courses.

PROGRAM CHANGE: The 1998 program funding request is \$5 million, the same amount appropriated in 1997. The 1998 funding level will enable BJA to target local jurisdictions that did not receive program funding in 1997.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Local Firefighter and Emergency Services Training									
MISSION: To support the federal integrated initiative for counter-terrorist training through grants to provide specialized training and equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks.									
PERFORMANCE INDICATOR INFORMATION					PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1995 Actual	1996		1997 Target	1998 Target			
			Target	Actual					
Input	1. Appropriation. 2. Participation in Senior Interagency Coordination Group on Terrorism.	\$0 N/A	\$0 N/A	N/A	\$0 N/A	\$3M Ongoing			
Output/Activity	3. Support training of metro jurisdictions.	N/A	N/A	N/A	N/A	60			
Intermediate Outcome	4. Number of jurisdictions participating. 5. Number of personnel trained.	N/A N/A	N/A N/A	N/A N/A	N/A N/A	60 TBD			
	6. Provide funding for needed nuclear, biological, and chemical (NBC) protective equipment.	N/A	N/A	N/A	N/A	TBD			
End Outcome	7. Number of departments trained.	N/A	N/A	N/A	N/A	TBD			
Productivity/ Efficiency	8. Utilize Internet and other technologies.	N/A	N/A	N/A	N/A	TBD			
A. Definitions of Terms or Explanations for Indicators:									
Process for funding training and equipment expenses through this program is not known at this time; process will be finalized upon completion of the "Integrated Approach to Counter Terrorism Training."									
B. Factors Affecting 1996 Program Performance. N/A									
C. Factors Affecting Selection of 1997 and 1998 Targets.									
Appropriation language targets metropolitan jurisdictions which, based on analysis, represents approximately 120 jurisdictions; BJA will work with FEMA and other involved Federal agencies to identify the jurisdictions to be supported recognizing significant training support is forthcoming from DOD per Nonum/Lugar initiative, which at this time, appears to be targeting the 20 largest metro areas for training in 1997.									

**OFFICE OF JUSTICE PROGRAMS
TERRORISM TRAINING
PROGRAM PERFORMANCE INFORMATION
GOVERNMENT PERFORMANCE AND RESULTS ACT REQUIREMENTS**

Mission: To train and prepare State and local law enforcement and prosecution agencies to respond to acts of domestic terrorism.

General Goal: Establish a program to expand delivery of specialized, multi-agency, anti-terrorism preparedness training to State and local law enforcement and prosecution agencies.

**OFFICE OF JUSTICE PROGRAMS
TERRORISM TRAINING
PROGRAM PERFORMANCE INFORMATION**
(Dollars in thousands)

Terrorism Training	Amount
1997 Appropriation	\$ 2,000
1998 Base	2,000
1998 Request	2,000
<i>Increase/Decrease</i>	<i>0</i>

BASE PROGRAM DESCRIPTION: This program, administered by the Bureau of Justice Assistance (BJA) and authorized by section 822 of the Antiterrorism and Effective Death Penalty Act of 1996, amends section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 by adding purpose area 26. This program provides funding for the (1) development and implementation of anti-terrorism training programs and (2) procurement of necessary equipment for State and local law enforcement agencies.

In 1997, BJA expects the Domestic Terrorism Program to expand the delivery of specialized multi-agency anti-terrorism preparedness training to State and local law enforcement and prosecution agencies. State and local law enforcement and prosecution agencies will receive training through resources such as the State and Local Anti-Terrorism Training Project, related research, law enforcement intelligence, operational issues development, and technical support activities.

This program enhances the services available to law enforcement agencies through:

1. Developing, refining, and expanding law enforcement domestic anti-terrorism training curricula;
2. Convening focus groups of law enforcement experts;
3. Developing "Train-the-Trainer" instructional materials and informational resources;
4. Providing specialized training to law enforcement executives, intelligence officers and prosecutors;
5. Maintaining a public resource domestic terrorism research component and resource center; and

6. Establishing a cadre of anti-terrorism preparedness, readiness and response experts to deliver specialized technical assistance.

PROGRAM CHANGE: The 1998 program request is \$2 million, which is the amount appropriated in 1997. The 1998 funding level will enable BJA to continue existing programs and/or expand programs that did not receive funding in 1997.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Terrorism Training									
MISSION: To train law enforcement and prosecution agencies to respond to acts of domestic terrorism.									
PERFORMANCE INDICATOR INFORMATION				PERFORMANCE TARGETS AND ACTUAL RESULTS					
Type of Indicator				1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	
Input	Performance Indicators								
	1.	Appropriations		N/A	N/A	N/A	\$2M	\$2M	
Output/Activity	4.	Number of awards made		N/A	N/A	N/A	1	1	
Intermediate Outcome	5.	Number of training sessions conducted:							
		Line Officers Training.....		N/A	N/A	N/A	8	8	
		Law Enforcement Executive Officers Training.....		N/A	N/A	N/A	18	18	
		Train-the-Trainer.....		N/A	N/A	N/A	5	5	
	6.	Number of focus groups conducted		N/A	N/A	N/A	10	10	
End Outcome*	7.	Number of Line Officers trained		N/A	N/A	N/A	320	640	
	8.	Number of Law Enforcement Executive Officers trained		N/A	N/A	N/A	720	1,440	
	9.	Number of Trainers trained		N/A	N/A	N/A	200	400	
A. Definitions of Terms or Explanations for Indicators:									
<ul style="list-style-type: none"> This highly visible, highly specialized training program is designed to prepare State and local law enforcement, prosecution and intelligence agency personnel to effectively manage domestic terrorism activities. Training focuses on providing law enforcement with the skills and abilities to identify, prevent and respond to domestic terrorism activities. Focus Groups, composed of law enforcement and terrorism experts, will provide for continuous program development, refinement, and expansion. This program is in great demand and is only limited by the annual appropriations process. OJP has established that it can achieve 100% of its mission and train as many law enforcement and prosecution personnel as funding allows. End Outcomes are cumulative. 									
B. Factors Affecting 1996 Program Performance: N/A									
C. Factors Affecting Selection of 1997 and 1998 Targets:									
<ul style="list-style-type: none"> 1997 is the first year of funding for this program. As such, it currently still in the development stage. Once the program is fully operational and evaluations are completed, it is likely performance indicators and targets will change. 									

OFFICE OF JUSTICE PROGRAMS
DEVELOPMENT OF COUNTERTERRORISM TECHNOLOGIES
PROGRAM PERFORMANCE INFORMATION

Mission: To identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism and to develop those technologies.

General Goals:

- To develop a comprehensive assessment of requirements for technologies to assist State and local law enforcement, which represents more than 95% of all law enforcement personnel in the United States, in the national program to combat terrorism.
- To support the development of technologies identified to meet those requirements.
- To develop standards to promote the adequacy of products produced and to ensure that new technologies are compatible with larger national systems which now exist or are being established.
- To provide reliable and objective tests and evaluations of counterterrorism technologies which currently exist.
- To disseminate essential information for use by State and local law enforcement in making intelligent, informed acquisition decisions.

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OFFICE OF JUSTICE PROGRAMS
DEVELOPMENT OF COUNTERTERRORISM TECHNOLOGIES
PROGRAM PERFORMANCE INFORMATION
(Dollars in thousands)

Development of Counterterrorism Technologies		Amount
1997 Appropriation		\$10,000
1998 Base		10,000
1998 Request		10,000
	<i>Increase/Decrease</i>	...

BASE PROGRAM DESCRIPTION: On September 30, 1996, President Clinton signed the 1997 Appropriation Act provided \$10 million "for development of counterterrorism technologies to help State and local law enforcement combat terrorism, "as authorized by section 821 of the 1996 Terrorism Prevention Act." On November 12, 1996, President Clinton designated this \$10 million an emergency requirement, as required by the Appropriations Acts and these funds were made available for obligation. Section 821 of the 1996 Terrorism Prevention Act, PL 104-132, authorizes to be appropriated to the National Institute of Justice not more than \$10,000,000 for fiscal year 1997 to (1) develop technologies that can be used to combat terrorism, including technologies in the areas of (A) detection of weapons, explosives, chemicals, and persons; (B) tracking; surveillance; (D) vulnerability assessment; and (E) information technologies; (2) develop standards to ensure the adequacy of products produced and compatibility with relevant national systems; and (3) identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism. The central intent of this program is to identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism, to develop better, more affordable technologies to use in efforts against counterterrorism, to make it easier for law enforcement agencies to obtain information on what is currently available and where to go to obtain it, and to evaluate products and develop standards so State and local law enforcement agencies can make informed acquisition decisions based on objective and reliable information.

NIJ's plan for implementation of the Domestic Counterterrorism Program follows:

- Develop technologies and, where appropriate, to support or provide technical assistance to state and local law enforcement.

- Address stated Congressional priorities, and consult with Federal, State and local law enforcement agencies and counterterrorism organizations to determine priority technology development needs within these categories. Of particular significance will be those priorities already established by the Law Enforcement and Corrections Technology Advisory Council and its regional advisory councils, which are made up of law enforcement and corrections personnel from every state in the United States. Final funding decisions will attempt to maximize yield, avoid duplication, and develop the most appropriate technologies in the shortest possible time. To expedite the process, NIJ will first identify and commit funds to technology development proposals submitted in response to recent NIJ solicitations and already reviewed and approved by their appropriate Peer Review Panel that fall within the Congressional priority areas.
- Consult with federal partners and with counterterrorism technology organizations such as the Technology Support Working Group (TSWG) to expedite the development of those technologies already under development that could be modified or directly applied to State and local counterterrorism operations, thereby significantly leveraging NIJ funds. If sufficient counterterrorism technologies are identified through these two mechanisms, no new solicitation may be needed. If, however, technologies supported through identification of existing fundable proposals and federal interagency projects do not adequately address the Congressionally identified priorities, NIJ will issue a special solicitation for new proposals.
- Provide counterterrorism technical assistance to State and local law enforcement agencies through NIJ's existing technology centers.
- Develop standards to ensure the adequacy of products produced and compatibility with relevant national systems.
- Consult with State and local law enforcement agencies to identify those standards that are considered high priority requirements for agencies and directly support counterterrorism efforts (e.g. communications interoperability standards, chemical agent standards, electronic monitoring equipment standards, etc.). NIJ will then work with the NIJ funded Office of Law Enforcement Standards, located at the Department of Commerce's National Institute of Standards and Technology (NIST), to expand the existing law enforcement standards and testing program to include the selected counterterrorism technologies and equipment.
- Initiate testing of counterterrorism technologies, the results of which can be used as reliable foundations for purchasing decisions made by domestic law enforcement agencies and initiate careful evaluations of the constitutional and liability implications of each technology.

- Identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism. Of particular interest is the examination of the relationship between State and local law enforcement and the Federal activities.

NIJ plans to commit \$6.5 million to the development of technologies in the areas of detection of weapons, explosives, chemicals and persons, tracking and surveillance, vulnerability assessment, and information technologies, and, where appropriate, to support technical assistance to state and local law enforcement. The first set of awards will be made by March 1, 1997, and the remainder will be made by June 1997.

In selecting technologies for funding, NIJ will address stated Congressional priorities, and will consult with Federal, State and local law enforcement agencies and counterterrorism organizations to determine priority technology development needs within these categories. Final funding decisions will attempt to maximize yield, avoid duplication, and develop the most appropriate technologies in the shortest possible time. To expedite the process, NIJ will first identify and commit funds to technology development proposals submitted in response to recent NIJ solicitations and have been reviewed and approved by their appropriate Peer Review Panel that fall within the Congressional priority areas.

NIJ will also consult with our federal partners and with counterterrorism technology organizations such as the Technology Support Working Group (TSWG) to expedite the development of those technologies already under development that could be modified or directly applied to State and local counterterrorism operations leveraging and committing NIJ funds. If sufficient counterterrorism technologies are identified through these two mechanisms, no new solicitation may be needed. If, however, technologies supported through identification of existing fundable proposals and federal interagency projects do not adequately address the Congressionally identified priorities, NIJ will issue a special solicitation for new proposals in March 1997. Funds committed through this process are expected to be obligated by June 1997.

NIJ anticipates that some level of counterterrorism technical assistance will be required by State and local law enforcement agencies throughout the fiscal year. To expedite this process, such technical assistance would be provided through NIJ's existing technology centers. The level of such funding will be determined by the end of February 1997 and will not exceed 10% of the \$6.5 million.

Mindful of Congressional priorities, NIJ will consult with State and local law enforcement agencies to identify those standards that are considered high priority requirements for agencies and directly support counterterrorism efforts (e.g. communications interoperability

standards, chemical agent standards, electronic monitoring equipment standards, etc.). NIJ will then work with the NIJ funded Office of Law Enforcement Standards, located at the Department of Commerce's National Institute of Standards and Technology (NIST), to expand the existing law enforcement standards and testing program to include the selected counterterrorism technologies and equipment. Selection of priority standards activities and negotiation of a modified interagency agreement with NIST for this work should be completed by March 1997. NIJ will, where appropriate, also conduct testing of selected technologies and equipment through its regional technology centers. Approximately \$3 million will be committed to this counterterrorism standards effort.

NIJ anticipates committing \$3 million to assess the technology needs of local law enforcement agencies in order to safely combat the threat of terrorism in their communities. Of particular interest is the examination of the relationship between State and local law enforcement and the Federal anti-terrorism activities. Under consideration are conducting surveys of agencies, conducting focus groups, and other expeditious means of determining State and local counterterrorism needs. This project will be completed by June 1997. Results of this effort will assist in designing the 1998 Domestic Counterterrorism program.

PROGRAM CHANGE: The 1998 funding request is \$10 million. This is the same level of funding requested in 1997.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: NU Domestic Counterterrorism									
MISSION: To support the development of technologies in the areas of detection of weapons, explosives, chemicals and persons, tracking and surveillance, vulnerability assessment, and information technologies, and, where appropriate, to support technical assistance to state and local law enforcement agencies									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	1995		1996		1997		1998		
	Actual	Target	Actual	Target	Actual	Target	Actual	Target	
Input									
1. Increase funding requested/local funds available	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$10 M
2. # of grant applications reviewed	N/A	N/A	N/A	N/A	100 +	100 +	200	200	1
3. # of Focus Group meetings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1
Output/Activity									
4. # of awards for research on domestic terrorism	N/A	N/A	N/A	N/A	25	25	40	40	
Intermediate Outcome									
5. % of current counterterrorism technologies catalogued	N/A	N/A	N/A	N/A	50%	50%	100%	100%	
6. # of Counterterrorism Assessment Reports	N/A	N/A	N/A	N/A	1	1	1	1	
7. Annual Counterterrorism Conference held	N/A	N/A	N/A	N/A	1	1	1	1	
8. % of conference attendees that rate the conference as excellent	N/A	N/A	N/A	N/A	65%	65%	75%	75%	
End Outcome									
8. # of State and local law enforcement agencies provided counter terrorism technical assistance through the NU regional centers technology centers	N/A	N/A	N/A	N/A	100	100	200	200	
9. # of counterterrorism technology grant deliverables (standards, equipment, product performance evaluations, and databases)*	N/A	N/A	N/A	N/A	N/A	N/A	45	45	
Productivity/Efficiency									
10. Grant processing time	N/A	N/A	N/A	N/A	N/A	N/A	90 days	90 days	
A. Definitions of Terms or Explanations for Indicators: N/A									
B. Factors Affecting FY 96 Program Performance: N/A									
C. Factors Affecting Selection of FY 97 and 98 Targets:									
*Grants awarded in FY 1997 are expected to yield deliverables in the following fiscal year									

**OFFICE OF JUSTICE PROGRAMS
MANAGEMENT AND ADMINISTRATION
PROGRAM PERFORMANCE INFORMATION
GOVERNMENT PERFORMANCE AND RESULTS ACT REQUIREMENTS**

Mission: To administer OJP programs in the most effective and efficient manner possible.

General Goals:

1. To provide executive direction, control and coordination over the wide array of OJP programs.
2. To provide the full range of support services to the program and administrative offices of OJP.

OFFICE OF JUSTICE PROGRAMS
MANAGEMENT AND ADMINISTRATION
PROGRAM PERFORMANCE INFORMATION
(Dollars in thousands)

	Perm.	
	Pos.	FTE Amount
1997 Availability	386	\$30,529
1998 Base	386	33,952
1998 Estimate	411	35,867
<i>Increase/Decrease</i>	25	1,915

Management and Administration - Direct

The Office of Justice Programs (OJP) carries out policy coordination and general management responsibilities for the Bureau of Justice Assistance (BJA), Bureau of Justice Statistics (BJS), National Institute of Justice (NIJ), Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office for Victims of Crime (OVC), the Crime Bill Offices, the Executive Office for Weed and Seed and the Violence Against Women Office. Since the functions and responsibilities of the five program bureaus and 5 offices are described in the justifications for those programs, they are not repeated here.

PROGRAM CHANGES:

	Pos.	FTE Amount
Management and Administration - Direct.....	25	13 \$1,915

A total program increase of 25 positions, and 13 FTE is requested for 1998.

National Institute of Justice: An increase of \$867,000, 11 positions and 6 FTE are requested for the National Institute of Justice in support of its program changes requested for 1998. All of the requested program changes are research programs, most of them highly complex, requiring intellectual work that goes well beyond the routine processes normally associated with awarding and monitoring grants. In addition, many NIJ program managers conduct related intramural research projects in their program area. Work covers the gamut of scientific disciplines including sociology, psychology, economics and econometrics, criminal justice, bio-medical sciences, chemistry, ballistics, electronics, engineering, and information technologies. Thus, the program work requires that program staff have a high level of scientific research training. Such scientific complexity of subject requires more time per grant to administer. Typical duties for staff managing the projects associated with these programs will include the following for each project or program area:

1. Developing and chairing or participating in research agenda planning workshops.
2. Developing research solicitations and field demonstrations in specialized social science and technology areas.
3. Reviewing research applications and chairing scientific peer review meetings to make recommendations for award. (Each program manager reviews approximately 30-50 applications, each about 30 single-spaced pages in length, exclusive of budgets and resumes) which generate 5-7 actual awards.
4. Monitoring and providing technical assistance for implementation of research designs, sampling and data analysis plans, and technology research field tests, and evaluations.
5. Providing guidance and technical assistance for the development of research and technology products related to each grant, including reviewing, commenting on and editing reports, co-authoring scientific reports and papers, and developing technology products from the conceptual stage to commercialization and market availability.
6. Developing scientific papers on research or technology findings for presentation at professional conferences and staying current with developments in the field.
7. Resolving scientific controversies with regard to project activities, findings and reports.

8. Developing and chairing research cluster conferences for discussing and resolving methodological problems.
9. Designing training for in-the-field use of research/ technology products.

Because of these required activities, NIJ's grant per manager workload should be a maximum of 17-20 active grants per monitor. The professional standard for technology research is 4 managers plus support personnel for every 30 projects or about 7 projects per manager. Grants are usually active for three years, so the average individual grant manager carries the maximum workload on a continuing basis. The request for 1998 is expected to generate a minimum of 150 new awards per year. Since 4 of the requested positions will be managerial or secretarial staff, the per project management workload for the first year will be at least 20 projects per new program manager, which is twice the standard. Based on NIJ's total request based on program changes, this workload will nearly triple by 2000 for many of these new staff.

ADAM: In 1998, eight positions and 4 FTE are requested: two site managers will be needed to manage 17 or 18 sites each with the workload scheduled to reach 25 sites per manager by 2000. Site managers will be responsible for implementing and maintaining the sampling design at all sites, for providing on-going training at the sites, and providing technical assistance for local research initiatives and special research projects added to the basic design such as the gun addendum NIJ requested in St. Louis and San Diego in 1995, and planning and eventual implementation of outreach sites in suburban and rural areas. A senior level manager is requested to provide direct supervision of the staff, managing the three federal contracts supporting federal administration of the sites, the urinalysis laboratory, and the data analysis and report development and dissemination activities for the program. An additional 2 intramural research analysts are requested to work with federal research partners to develop new research questions, assist NIJ staff and local researchers and policy makers in developing research addenda for analysis of particular drug trends, and assist local researchers with data analysis. One dissemination specialist is requested to prepare an annual report on drugs and crime, assist with quarterly reports and other interim reports and presentation of results and assist local researchers and policy makers in presenting results for publication. Also, one local initiative coordinator is requested to work with each of the 75 jurisdictions to build the capacity of local researchers to investigate specific research questions, assist local researchers in posing research questions and in analyzing and presenting data, and assist local leadership in identifying stakeholders. This request also includes one secretary.

Violence Against Women Research Program: NIJ is requesting 3 positions and 2 FTE in 1998 to conduct this program. These

staff will be responsible for longitudinal and secondary analysis projects and evaluations; for developing new measures and measurement instruments to determine the scope and nature of violence against women, and measuring interventions; and for a program of cost studies on the impact of violence against women on its victims and on society, and the cost benefits of prevention, treatment and control programs in criminal justice. Program managers must have skills in managing complex research projects requiring advanced skills in the social sciences, econometrics, and economics to perform research management duties as described above. One additional position will be required in 1999 to manage duties related to the development of practitioner-oriented reports and dissemination of research findings.

Office of Juvenile Justice and Delinquency Prevention: An increase of \$628,000, 10 positions/5 FTE are requested for the Office of Juvenile Justice and Delinquency Prevention for 1998.

These 10 positions will support the development, implementation and management of the \$75 million Local Youth Crime Intervention Program. Because these programs funds will be distributed on a formula basis 8 program specialist positions will be assigned to the Formula Grants Program and the Crime Intervention Grant Program Office. These positions serve as state representatives to State agencies. The program specialist administrators OJJDP's policies and programs and provides technical expertise in juvenile justice, planning, program development, implementation and evaluation in order to assist states and communities improve their juvenile justice systems. The increased funding provided for the Crime Intervention program would increase the grant award amounts currently going to States. The state assignment ratio will be reduced from approximately 7:1 to approximately 4:1, enabling the state representatives to be more proactive, allowing them to provide technical assistance to States and local communities to sufficiently monitor both the programmatic and fiscal aspects of both the new and existing formula program. A key to success of State utilization and sub-awarding of increased funding is the development and provision of an effective evaluation component. The increased level of attention the state representatives will be able to provide to the states will assist each state in developing effective evaluation strategies thus allowing for identification of "what works."

One program analyst position will provide data and information from management information, statistical systems, and other sources to identify actual and potential problem areas and trends in the juvenile justice formula grant program. Users will be provided access to data and information in automated formats that are needed to determine the overall impact the formula grant programs has on specific aspects of the juvenile justice system, as well as the effectiveness of individual programs. To support this objective, this additional position would also identify specific information and data required to evaluate the potential and/or actual effectiveness of OJJDP funded programs, which would also assist in identifying programs that "work" and activities for dissemination to the juvenile justice field.

The remaining clerical position will be assigned to the Formula Grant/Crime Intervention Office to assist in the increased workload associated with the additional demands and activities of the Local Youth Crime Intervention Program.

Office of Justice Programs: An increase of \$420,000, 4 positions and 2 FTE is requested to comply with the new electronic FOIA requirements established by the Electronic Freedom of Information Act Amendments of 1996.

Management and Administration - Crime Act

	Perm.	FTE	Amount
1997 Availability	309	309	\$32,425
1998 Base	309	309	32,425
1998 Estimate	369	369	39,911
<i>Increase/Decrease</i>	60	60	7,486

Crime Act Programs: Crime Act administrative funds will be reimbursed to the Justice Assistance account for support services, but for presentation purposes are included and justified in the Justice Assistance account.

An increase of \$7,486,000 is requested to fund an additional 60 positions/60 FTE. This increase is needed to provide not only appropriate technical grant making support, but also to allow strict and attentive financial monitoring and application of federal accounting procedures to protect the taxpayers' investment and to provide one-on-one assistance to grantees and grant applicants when necessary. Since the 1995 implementation of the 1994 Crime Act programs, the level of program activity has grown from \$740 million to \$2.2 billion in 1998. The size, complexity and conceptual novelty of these programs demands increasing levels of support to successfully administer. These 60 positions/FTE's are anticipated to successfully support the approximately \$2.2 billion of Crime Act programs in 1998.

Office of Justice Programs
Justice Assistance
Financial Analysis - Program Changes
(Dollars in thousands)

	Research, Evaluation & Demonstration Programs		Criminal Justice Statistical Programs		Management and Administration		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
GR0068	-	-	-	-	-	-	-	-
GS414	-	-	-	-	5	332	5	332
GS413	-	-	-	-	10	562	10	562
GS412	-	-	-	-	4	186	4	186
GS411	-	-	-	-	4	156	4	156
GS49	-	-	-	-	1	33	1	33
GS7	-	-	-	-	1	27	1	27
Total Positions & Annual Rate	-	-	-	-	25	1,301	25	1,301
Lapse (-)	-	-	-	-	(12)	(824)	(12)	(824)
Total Positions and Personnel Compensation	-	-	-	-	13	877	13	877
Personnel Benefits	-	-	-	-	-	186	-	186
Travel & Transportation	-	-	-	-	-	121	-	121
GSA Rent	-	-	-	-	-	118	-	118
Other rent, communications & utilities	-	-	-	-	-	168	-	168
Printing and Reproduction	-	-	-	-	-	6	-	6
Other Services	-	6,700	-	-	-	202	-	6,902
Supplies and Materials	-	-	-	-	-	13	-	13
Equipment	-	-	-	-	-	415	-	415
Grants, Subsidies and Contributions	-	7,000	-	-	-	-	-	7,000
Total Program Workings and Change Required, 1986	-	\$13,700	-	\$25,000	13	\$1,916	13	\$49,616

STATUS OF CONGRESSIONALLY REQUESTED STUDIES, REPORTS AND EVALUATIONS

JUSTICE ASSISTANCE

1. Section 102(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Assistant Attorney General to submit an annual report to the President and Congress by March 31 of each year. The 1996 Report is expected to be submitted in April 1997.

NOTE: Section 810 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, also requires the Assistant Attorney General, the Directors of the Bureau of Justice Assistance, the Bureau of Justice Statistics, and the National Institute of Justice to submit to the President and the Speaker of the House of Representatives and the President of the Senate by April 1 of each year, a report on their activities from the preceding fiscal year. The submission of the Section 102(b) report satisfies the reporting requirement under Section 810.

2. Section 520(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Director of the National Institute of Justice to annually report to the President, the Attorney General, and the Congress on the nature and findings of the evaluation and research and development activities funded under Sections 501(c), 506 and 511. The Institute will report on its program to evaluate anti-drug programs and will report on anti-drug research and development projects initiated since the passage of the Anti Drug Abuse Act of 1988. The 1996 Report is scheduled for completion in April 1997.

3. Section 66911 of the Justice Assistance Act of 1984 requires the Attorney General to submit to the President and Congress, by April 1 of each year, a report describing Federal law enforcement emergency assistance provided during the calendar year preceding the date the report is made. A Report on the 1996 activities of the Emergency Assistance Program is due on April 1, 1997 and it is expected to be submitted on time.

VIOLENT CRIME REDUCTION PROGRAMS

1. Section 40291 of the Violent Crime Control and Law Enforcement Act (VCCLEA) of 1994 requires the Attorney General to submit to the Committee on the Judiciary of the House and Senate a report, no later than 1 year after September 13, 1994, describing the findings made on a Violence Against Women Research Agenda. This Report was submitted to Congress on April 30, 1996.

2. Section 40292 of the VCCLEA of 1994, requires the Attorney General to submit to the Committee on the Judiciary of the House and Senate a report, no later than 1 year after September 13, 1994, describing the findings of the State Databases Study required under this subsection. A report on State Domestic and Sexual Violence Data collection has been submitted to Congress which states that nearly two thirds of the states have centralized data bases on these crimes. The study identifies the need to address the states without databases and

the following two issues: The variation in definitions of these crimes across states makes it difficult to compare, in aggregate, data at a national level; and there is a need to include data other than arrest data from other parts of the criminal justice system. These data also need to be linked to health and social service indicators, including child protective services. This Report was delivered to the Congress in March 1996.

3. Section 40509 of the VCCLEA of 1994, requires the Attorney General, no later than one year after enactment of the VCCLEA, to complete a study on the problems of recordkeeping criminal complaints involving domestic violence. The study should focus on (1) efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence, and (2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes. Furthermore, the Attorney General must also submit a report and recommendations based on the study to Congress. This Report was submitted to Congress on May 14, 1996.
4. Section 40507 of the VCCLEA of 1994, requires the Attorney General and the Secretary of Health and Human Services to submit to the House Committee on Energy and Commerce, the Senate Committee on Labor and Human Resources, and the Committees on the Judiciary of the House and Senate, no less than 1 year after September 13, 1994, a report on the medical and psychological basis of "battered women's syndrome" on the extent to which evidence of the syndrome has been considered in criminal trials. This Report was submitted to Congress on May 15, 1996.
5. Section 210303 of the VCCLEA of 1994, requires the Director of the National Institute of Justice (NIJ), no later than 1 year after September 13, 1994, to certify to the Committees of the Judiciary of the House and Senate that: (A) the Institute has entered into a contract with, or made a grant to, an appropriate entity for establishing, or has taken other appropriate action to ensure that there is established, no later than 2 years after September 13, 1994, a blind external proficiency testing program for DNA analyses, which shall be available to public and private laboratories performing forensic DNA analyses; (B) a blind external proficiency testing program for DNA analyses is already readily available to public and private laboratories performing forensic DNA analyses; or (C) it is not feasible to have blind external testing for DNA forensic analyses. On May 15, NIJ awarded a grant to the University of Illinois at Chicago to conduct a review of external DNA proficiency testing program in public and private DNA laboratories.
6. Section 40506(b) of the VCCLEA of 1994, requires the Attorney General, in consultation with the Secretary of Education, to provide a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The report is to be based on the study required by subsection (a) of this section and data collected under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note, P.L. 101-542). On December 11, 1996, the BIS published a new study of campus law enforcement agencies, which examined the characteristics of these agencies in schools with 2,500 or more full-time students and obtained UCR-compatible crime counts for each campus. In January 1997, the National Center for Education Statistics plans to release an administrative survey on crime and security at 1,543 colleges and universities. A final report will be released by the Secretary of Education.

7. Section 40610 of the VCCLEA of 1984, requires the Attorney General to submit to Congress an annual report, beginning one year after September 13, 1994, that provides information concerning the incidence of stalking and domestic violence, and evaluates the effectiveness of State anti-stalking efforts and legislation. NJ submitted the 1996 Report to Congress on May 14, 1996. The 1997 Report, which is being developed by the Violence Against Women Grants Office, is expected to be submitted to Congress in March 1997.

JUVENILE JUSTICE PROGRAMS

1. Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to submit an annual report to the President and Congress within 180 days after the end of each fiscal year. The report must contain: (1) a detailed summary and analysis of juvenile custody data, including offender type, offense, race, gender, age, facility type, death rate information and educational status; (2) a description of part A funded activities; (3) a description of each State's compliance with Section 223 and the State plan; (4) a summary of each part C or part D funded program or activity; evaluation information and an assessment of replication potential; and (5) a description of exemplary delinquency prevention programs funded under title II. Included in OJJDP's Annual Report is the report to the President as required by Section 404(a)(5) of the Missing Children's Assistance Act, as amended. Both of these requirements for 1996 are due March 31, 1997, and are expected to be submitted by June 30, 1997.
2. Section 248(a)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires that not later than 180 days after enactment of the 1992 amendments (November 4, 1992), the Administrator shall begin to conduct a study on the incidence, nature and causes of violence committed by or against juveniles in urban and rural areas. The study is to be completed and a report submitted to Congress discussing and summarizing the results, within three years (by November 4, 1995).
OJJDP awarded four grants to study the incidence, nature and causes of violence committed by or against juveniles in urban and rural areas. The first two studies (Wisconsin and South Carolina) were funded with 1993 funds. The South Carolina study has been given further funding to develop violence prevention resources for schools, parents, and communities in their target areas. Data analyses will also be performed to study community factors affecting rural violence and juvenile homicide, and results from that analyses will be discussed at a later date. The second two studies (Washington, D.C. and Los Angeles, CA) were competitively awarded with 1994 funds. Because of the nature of the competitive award process, these studies were delayed. The Los Angeles Violence Study will be continued in 1997 to implement the research design fully.
OJJDP has a draft interim report on the four projects that will be submitted in March 1997. However, funding the projects for an additional year will delay the production of the final report until December 1998.

3. Section 248(a)(7) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires that not later than one year after the date of enactment of this subsection (November 4, 1993), the Administrator shall submit a report to Congress on hate crimes, including characteristics of juveniles who commit such crimes, the crimes themselves and their victims.
OJJDP's response to the Congressional mandate for a report on juvenile involvement in hate and bias crimes was delayed largely because of the competitive award process. On September 30, 1993, OJJDP awarded the West Virginia University a grant to complete an assessment of the data available and the nature and extent of juvenile involvement in hate and bias crimes. The draft reports from this study were submitted to OJJDP in the Fall of 1995. This Report was submitted to Congress in July 1996.
4. Section 288H of the United States Code requires the Administrator of the Office of Juvenile Justice Delinquency and Prevention (OJJDP) to submit to Congress, no later than 120 after the completion of the first cycle of Mentoring Grants, a report regarding the success and effectiveness of the grant program in reducing juvenile delinquency and gang participation, improving academic performance, and reducing the dropout rate. OJJDP awarded 41, 3 year grants that end in June 1998. The Administrator's report is expected to be submitted by October 1998.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

1. Section 516(c)(2)(A) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Director of the Bureau of Justice Assistance, no later than 180 days after funds are appropriated, to submit to the President and Congress a report describing rules that were issued to carry out Chapter B Correctional Options Grants. No funds were appropriated for this program in 1996 and no report will be filed.
2. Section 522(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Director of the Bureau of Justice Assistance, no later than 180 days after the end of each fiscal year, to submit to Congress a report that includes with respect to each State (1) the aggregate amount of grants made under subpart 1 and subpart 2 to such State for such fiscal year; (2) the amount of such grants awarded for each of purposes specified in subpart 1; (3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a); (4) an explanation of how Federal funds provided under this part have been coordinated with Federal funds provided to States for drug abuse education, prevention, treatment, and research activities; and (3) evaluation results of programs and projects and State strategy implementation. The 1996 Annual Report is expected to be submitted in July 1997.
3. Section 1406(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires that the Director of the Bureau of Justice Assistance, no later than 90 days after the end of each fiscal year for which grants are made, to submit to Congress a report that includes, with respect to each State, (1) the aggregate amount of grants made under this title to each State for the fiscal year, and (2) a summary of the information provided in compliance with subsection (a)(1). Only \$50,000 was appropriated for this program in 1996.

As a result, BIA conducted a training conference for all 56 States and territories on program implementation. In 1997, this program was appropriated \$550,000 and expects to report detailed grant information to the Congress by September 1998.

CRIME VICTIMS FUND

1. Section 1407(g) of the Victims of Crime Act of 1984, as amended, requires that the Director of the Office for Victims of Crime shall on December 31, 1990, and on June 30 every two years thereafter, report to the President and to the Congress on the revenue derived from each source described in section 1402 and on the effectiveness of the activities supported under this chapter. The Director may include in such report recommendations for legislation to improve this chapter. The next report is due June 1998 and is expected to be submitted on time.

Office of Justice Programs
Justice Assistance
Priority Ranking
FY 1998

BASE PROGRAM		PROGRAM INCREASES	
Program	Ranking	Program	Ranking
Research, Evaluation and Demonstration Programs	1	Management and Administration	1
Criminal Justice Statistical Programs	2	Research, Evaluation and Demonstration Programs	2
Management and Administration	3	Criminal Justice Statistical Programs	3
Development of Counterterrorism Technologies	4	Research, Evaluation and Demonstration Programs	4
Missing Children	5	Research, Evaluation and Demonstration Programs	5
Regional Information Sharing System	6		
White Collar Crime Information Center	7		
Local Firefighter and Emergency Services Training	8		
Terrorism Training	9		
		NIJ, OJJDP and OJP	
		Arrested Drug Abuse Monitoring System	
		National Sex Offender Registry	
		Violence Against Women Research Agenda	
		Drug Testing Initiative	

Office of Justice Programs
Justice Assistance
Detail of Permanent Positions by Category
Fiscal Years 1996 - 1998

Category	1996		1997		1998	
	Author- ized	Reim- bursable	Author- ized	Reim- bursable	Program Increases	Total Auth.
Attorneys (000)	20	10	20	10	0	20
Other Legal and Kindred (000-999)	2	2	2	2	0	2
Social Sciences, Economic and Kindred (100-199)	120	42	124	45	12	136
Personnel Management (200-299)	11	5	11	6	0	11
General Administration, Clerical and Other Services (300-399)	141	152	146	160	13	159
Accounting and Budget (400-499)	12	45	15	58	0	15
Engineering and Architecture Group (600-699)	2	0	0	0	0	0
Information and Arts Group (1000-1999)	4	8	10	8	0	10
Business and Industry Group (1100-1199)	23	5	15	5	0	15
Physical Sciences Group (1300-1399)	0	0	0	0	0	0
Library and Archives Group (1400-1499)	3	1	3	1	0	3
Mathematics and Statistics Group (1500-1599)	31	10	36	10	0	36
Equipment, Facilities and Service Group (1600-1699)	1	2	1	2	0	1
Supply Group (2000-2099)	2	2	2	2	0	2
TOTAL	372	264	346	309	25	411
Washington	372	264	346	309	25	411

Note: Reimbursable positions includes 23 for COPS in all years.

Office of Justice Programs
Justice Assistance
Summary of Attorneys and Support Positions
FY 1997 - 1998

Appropriated Positions

Decision Unit	1997 Appropriation		1998 Increases		1998 Request Level	
	Attorneys	Support	Attorneys	Support	Attorneys	Support
Management and Administration	20	366	0	25	20	391
						411

Reimbursable Positions

Decision Unit	1997 Appropriation		1998 Increases		1998 Request Level	
	Attorneys	Support	Attorneys	Support	Attorneys	Support
Management and Administration	10	299	0	60	10	359
						369

Office of Justice Programs
Justice Assistance
Summary of Changes
(Dollars in Thousands)

	Perm Pos.	Work- Years	Amount
1997 as Enacted	386	385	\$118,429
Transfer in from other accounts:			
Juvenile Justice Appropriation for Administrative Functions	--	--	4,800
1997 Appropriation	386	385	123,229
Adjustments to base:			
Transfer in the estimates from the DOJ - General Administration to NU for the Drug Testing Initiative Pgm	--	--	4,700
Mandatory Increases:			
1998 pay raise	--	--	565
Annualization of 1997 pay raise	--	--	187
With-grade increase (WGI)	--	--	395
Annualization of prior year positions	11	11	922
Accident compensation	--	--	28
GSA rent	--	--	1,104
Correspondence management system	--	--	42
Investigation/reinvestigation	--	2	2
Department-wide audited financial statement	--	--	600
General pricing level adjustments	--	13	3,843
Total, mandatory increases	386	388	131,772
1998 Base/ Request			
Program Changes:			
Research, Evaluation, and Demonstration Programs	--	--	13,700
National Sexual Offender Registry	--	--	25,000
Management and Administration: Justice Assistance	25	13	1,915
Total, program changes	25	13	49,615
1998 Estimate	411	411	172,387

Office of Justice Programs
Justification of Adjustments to Base
(Dollars in Thousands)

Transfers to and from other accounts.

1 Transfer in the estimates from the DOJ - General Administration to NJ for the Drug Testing Initiative Program.....

Total transfers.....

Increases

1. 1998 pay raise.....

This request provides for the proposed 2.8 percent pay raise to be effective in January 1998 and is consistent with Administration policy included in the 1998 President's budget request. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$565,000 represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$430,000 for pay and \$135,000 benefits = \$565,000)

2. Annualization of 1997 pay raise.....

This pay annualization represents first quarter amounts (October through December) of the 1997 pay increase of 3.0 percent. This increase includes locality pay adjustments as well as the general pay raise. The amount requested \$187,000 represents the pay amounts for three-quarters of the year (\$144,000 for compensation and \$43,000 for benefits).

4 Within-grade increases.....

This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$304,000 for pay and \$91,000 for benefits.

Perm. Pos. Work-Years Amount

\$4,700
4,700

565

187

395

2090

5. Annualization of prior year Juvenile Justice positions	---	11	922
This provides for the annualization of 22 positions approved in prior years for the Office of Juvenile Justice and Delinquency Prevention. This request includes nonrecurring costs for one-time items associated with the increased positions.			
	Approved	Annualization	
	Increases	Required	
Annual salary rate of 22 approved positions.....	1,390,000		
Less lapse (50%).....	695,000		695,000
Net Compensation.....	695,000		
Associated employee benefits.....	277,000		227,000
Total costs subject to annualization.....	972,000		922,000
6. Accident compensation.....	---	---	26
This increase reflects the billing provided by the Department of Labor for the actual costs in 1998 of employees' accident compensation, which will be billed in 1999. The 1998 increased cost will be \$26,000.			
7. General Services Administration (GSA) rent.....	---	---	1,104
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$1,104,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and rates frozen at 1997 levels.			
8. Correspondence Management System.....	---	---	42
An increase of \$42,000 is required in order to fund the on-going costs associated with the Attorney General's Correspondence Management System. This new system, which provides an extensive tracking capability, the ability for components to access and transfer information electronically, improved recordkeeping, and improved reporting capability.			

2091

9	Investigation/Rainvestigation	---	---	2
	Exec Order 10450 "Security Requirements for Govt Employees" requires that applicants of each civilian officer or employee in an any dept or agency of the Govt shall be made subject to investigation. Addl funding is required to cover the costs of addl contractor support needed to ensure timely compliance with this Exec Order. It is critical to accommodate the Dept's security requirements by ensuring investigations & investigations are timely initiated on newly apptd civilian officers & employees Department-wide Audited Financial Statement	---	2	---
10	Statement	---	---	---
	An increase of 2 reimbursable FTE to be funded by the Working Capital Fund in-kind earnings is requested to cover the necessary expenses for the preparation of the Department-wide audited financial statement required by the Government Management Reform Act of 1994.	---	---	600
11	General pricing level adjustments	---	---	---
	This request applies OMB pricing guidance to selected expense categories. The increased costs identified result from applying a factor of 2.8 percent against those subobject classes where the prices that the Government pays are established through the market system, instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs, and utilities.	---	13	3,843
	Total increases	---	13	3,843
	Total, adjustment to base	---	13	3,843

2092

Office of Justice Programs
 Judicial Administration
 Summary of Requirements by Grade and Object Class

Grade and Salary Range	1998 Actual		1997 Estimate		1998 Request		Increased Decrease	
	Wyns	Amount	Wyns	Amount	Wyns	Amount	Wyns	Amount
Executive Level IV, \$119,700	6		6		6			
ES-4, \$106,400	3		3		3			
ES-3, \$103,000	2		2		2			
ES-2, \$99,500	2		2		2			
ES-1, \$94,500	5		5		5			
OS-15, \$99,300 - \$92,000	40		40		40			
OS-14, \$94,915 - \$78,991	86		86		83		5	
OS-13, \$91,806 - \$64,814	64		65		75		10	
OS-12, \$81,836 - \$54,508	49		56		62		4	
OS-11, \$74,981 - \$48,478	28		29		33		4	
OS-10, \$71,836 - \$41,348	2		2		2			
OS-9, \$68,912 - \$37,668	21		21		22		1	
OS-8, \$65,175 - \$34,032	12		12		12			
OS-7, \$62,044 - \$32,785	15		16		16			
OS-6, \$59,398 - \$27,440	13		13		13			
OS-5, \$17,061 - \$24,805	20		20		20			
OS-4, \$17,061 - \$22,178	12		12		12			
OS-3, \$16,193 - \$19,747								
OS-2, \$13,023 - \$17,819								
Locality Pay		488		488		488		
1997 Pay Rates				541		541		
Total Appropriated Positions	372	18,972	366	21,787	411	24,063	25	2,286
Pay above stated annual rates		78	(24)	(1,806)	(23)	(2,107)	1	(345)
Special services payments	(77)	(5,200)						
Net, full-time permanent	300	14,653	362	18,923	388	21,973	26	1,944
Other than permanent								
Part-time permanent	8	345	8	353	5	397		4
Temporary employment	25	1,335	18	712	16	776		78
Other personnel compensation								
Overtime	1	20		30		30		
Other compensation		200		270		270		
Special personal services payments								
TOTAL, Workyears & personnel compensation	331	18,970	369	21,029	411	25,159	26	2,029
Average ES Salary		\$108,782		\$108,968		\$113,395		
Average OS Salary		\$50,836		\$54,033		\$56,443		
Average OS Grade		10.77		11.06		11.14		

Object Class	1994 Actual FTE	1997 Estimate FTE	1998 Request FTE	Increase/Decrease FTE
11.1 Full-Time Permanent	30	362	348	24
11.3 Over-Time Full-Time	30	23	36	13
11.5 Other Personnel Compensation	1	220	300	80
11.8 Special Personnel Services Payroll	1	12	100	88
Total	331	18,765	411	2,078
Reimbursable workyears:				
Full-time permanent	[116]	[309]	[369]	
Other Objects				
12 Personnel Benefits	3,353	4,286	4,563	297
13 Benefits for Former Personnel	108	78	78	—
21 Travel and Transportation of Persons	1,829	900	1,076	178
22 Transportation of Things	4	10	10	—
23 GAS Travel	4	219	312	110
23.2 Per Diem and Others	2,357	219	312	1,025
23.3 Communications, Utilities and Miscell	466	355	506	152
24 Printing and Reproduction	1,045	1,027	1,038	9
25 Consulting Services	4,840	3,875	3,241	624
25.2 Other Services	15,562	22,341	23,325	984
25.3 Purchases of goods and services from Government accounts	14,794	17,182	23,565	6,340
25.5 Research and development contracts	365	60	76	16
26 Other Materials	29	250	40	241
31 Grants	267	50	778	728
41 Ombuds, Subsidies and Contributions	32,824	95,508	85,998	20,400
Total Obligations	99,896	146,377	172,387	32,110
Recovery of Prior Year Obligations	6,151	—	—	—
Unobligated Balance, start of year	(12,025)	(18,340)	—	—
Total Obligations	1,321	122,037	172,387	—
Unobligated Balance, end of year	18,340	—	—	—
Total Requirements	117,216	122,037	172,387	—
Federal of Obligations to Outlays				
Total obligations	95,896	140,277	172,387	—
Obligated Balance transferred	542,949	281,820	156,400	—
Obligated Balance, end of year	(281,927)	(177,377)	(137,000)	—
Adjustments in end of year	(18,151)	(194,400)	(157,000)	—
Total Obligations	260,914	44,320	193,787	—

Does not agree with the printed Budget due to input error. These are the correct numbers

Department of Justice
Office of Justice Programs
Violent Crime Reduction Programs
Congressional Estimates for Fiscal Year 1998
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Office of Justice Programs
Violent Crime Reduction Programs, State and Local Law Enforcement Assistance
Summary Statement
Fiscal Year 1998

The 1994 Violent Crime Control and Law Enforcement Act (VCCLEA) sent a clear, strong message about the Nation's law enforcement strategy. This Act provides a balance of enforcement, punishment and prevention programs and tough new sanctions in Federal law. The Violent Crime Reduction Trust Fund (VCRTF), funded under the Federal Workforce Restructuring Act of 1994, provides the resources necessary to support the programs authorized by the 1994 Crime Act.

In 1998, OJP requests that \$2.153 billion be made available from VCRTF resources to assist States and localities in their efforts to continue to: control and prevent violent crime and drug use; manage the special problems posed by increasing incidents of youth violence --focusing on community-based initiatives and post-incarceration reintegration of juvenile offenders; expand prison space by building new prisons and jails and renovating others; combat violence against women by providing victim services; confront domestic violence through strong arrest-oriented programs and training in dealing with domestic violence situations and victims of such violence; update law enforcement technologies to maintain the integrity of criminal justice data and to make these resources readily available at the State, local and national levels, to strengthen the ability of State and local crime labs to conduct DNA testing; and expand the use of drug courts to "break the cycle of substance abuse and crime" by providing continuing judicial supervision and coerced abstinence and treatment to non-violent offenders.

2096

Office of Justice Programs
Violent Crime Reduction Programs, State and Local Law Enforcement Assistance
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Violent Crime Reduction Programs,
State and Local Law Enforcement Assistance

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); [\$2,036,150,000], to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; [of which \$523,000,000 shall be Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That \$20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law

\$2,152,855,000

enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers;] of which (\$50,000,000) ~~^~~ shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which (\$199,000,000) shall be available as authorized by section 1001 of title I of the 1968 Act; to carry out the provisions of subpart 1, part E of title I of the 1968 Act, notwithstanding section 511 of said Act, ~~^~~ for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which (\$330,000,000) shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which (\$670,000,000) shall be for the Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which (\$170,000,000) ~~^~~ shall be available for payments to States for incarceration of criminal aliens, and of which (\$12,500,000) ~~^~~ shall be available for the Cooperative Agreement Program (c): Provided further, That funds made available for Violent Offender Incarceration and Truth in Sentencing Incentive Grants to the State of California may, at the discretion of the recipient, be used for payments for the incarceration of criminal aliens: Provided further, That beginning in fiscal year 1999, and thereafter, no funds shall be available to make grants to a State pursuant to section 20103 or section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 unless no later than September 1, 1998, such a State has implemented a program of controlled substance testing and intervention for appropriate categories of convicted offenders during periods of incarceration and criminal justice supervision, with sanctions including denial or revocation of release for positive controlled substance tests, consistent with guidelines issued by the

\$45,000,000
\$580,000,000
for the Edward Byrne Memorial State and Local Law Enforcement Assistance programs, including \$75,000,000 to carry out Chapter A of subpart 2 of part E of title I of the said Act, for discretionary grants under such programs; and \$505,000,000 shall be
of which, \$30,000,000 is available to states exclusively for drug testing
\$350,000,000
\$710,500,000
\$150,000,000
\$35,000,000

Attorney General; of which [\$6,000,000] shall be for the Court
 Appointed Special Advocate Program, as authorized by section 218
 of the 1990 Act; of which [\$1,000,000] shall be for Child Abuse
 Training Programs for Judicial Personnel and Practitioners, as
 authorized by section 224 of the 1990 Act; of which [\$145,000,000]
 shall be for Grants to Combat Violence Against Women, to States,
 units of local government, and Indian tribal governments, as
 authorized by section 1001(a)(18) of the 1968 Act; of which
 [\$33,000,000] shall be for Grants to Encourage Arrest Policies to
 States, units of local government, and Indian tribal governments,
 as authorized by section 1001(a)(19) of the 1968 Act; of which
 [\$8,000,000] shall be for Rural Domestic Violence and Child
 Abuse Enforcement Assistance Grants, as authorized by section
 40295 of the 1994 Act; of which [\$1,000,000] shall be for training
 programs to assist probation and parole officers who work with
 released sex offenders, as authorized by section 40152(c) of the
 1994 Act; of which [\$550,000] shall be for grants for televised
 testimony, as authorized by section 1001(a)(7) of the 1968 Act; of
 which [\$1,750,000] shall be for national stalker and domestic
 violence reduction, as authorized by section 40603 of the 1994 Act;
 of which [\$30,000,000] shall be for grants for residential substance
 abuse treatment for State prisoners as authorized by section
 1001(a)(17) of the 1968 Act; of which [\$3,000,000] shall be for
 grants to States and units of local government for projects to
 improve DNA analysis, as authorized by section 1001(a)(22) of the
 1968 Act; of which \$900,000 shall be for the Missing Alzheimer's
 Disease Patient Alert Program, as authorized by section 240001(c)
 of the 1994 Act; of which [\$750,000] shall be for Motor Vehicle
 Theft Prevention Programs, as authorized by section 220002(h) of
 the 1994 Act; [of which \$200,000 shall be for a National Baseline
 Study on Campus Sexual Assault, as authorized by section 40506(e)
 of the 1994 Act;] of which [\$30,000,000] shall be for Drug Courts.

as authorized by title V of the 1994 Act; of which \$1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; and of which \$2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act: Provided further, That funds made available in fiscal year 1997, under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions [and for drug testing initiatives: Provided further, That any 1996 balances for these programs shall be transferred to and merged with this appropriation: Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service].

\$2,205,000

of which \$50,000,000 shall be for the Violent Youth Court Program, as authorized by section 210602 of the 1994 Act; of which \$8,000,000 shall be for Assistance for Delinquent and At-Risk Youth, as authorized by section 30702 of the 1994 Act; of which \$1,000,000 shall be for grants for treatment of tuberculosis among inmates of correctional institutions, as authorized by section 32201(c)(3) of the 1994 Act; of which \$500,000 shall be for the Presidential Summit on Crime and Violence and the National Commission on Crime Prevention, as authorized by section 270009 of the 1994 Act.

1998

1968 Act

(Department of Justice and Related Agencies Appropriations Act, 1997.)

Explanation of Changes:

1. Language provides all 1998 funding for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs under the Violent Crime Reduction Programs, State and Local Law Enforcement Assistance account, and makes \$30M of the Byrne Formula Program exclusively available for drug testing.

Office of Justice Programs
Crosswalk of 1997 Changes
Violent Crime Reduction Programs
(Dollars in thousands)

	1997 President's Budget Request	Congressional Action on 1997 Request	Reprogramming	1997 Appropriation
Byrne Law Enforcement Assistance	\$535,000	(\$336,000)	\$0	\$199,000
Criminal Records Upgrade Program	50,000	0	0	50,000
Correctional Facilities Grants	630,000	40,000	0	670,000
Drug Courts Grants	100,000	(70,000)	0	30,000
Violence Against Women Act Programs	196,500	0	0	196,500
Local Law Enforcement Block Grant Program	0	523,000	0	523,000
State Criminal Alien Assistance	330,000	0	0	330,000
Residential Substance Abuse and Treatment Prog	36,000	(6,000)	0	30,000
State Court Assistance	28,000	(28,000)	0	0
Assistance for Delinquent and At-Risk Youth	8,000	(8,000)	0	0
Other Crime Control Programs	10,605	(2,955)	0	7,650
TOTAL.....	1,924,105	112,045	0	2,036,150

Office of Justice Programs
Summary of Requirements
Violent Crime Reduction Programs
(Dollars in thousands)

Adjustments to Base:	Amount
1997 President's Budget Request.....	\$1,924,105
Congressional Action.....	112,043
1997 Appropriation.....	2,036,150
1998 Base.....	2,036,150
Program Changes (See Program Narrative for Details)	116,705
1998 Estimate.....	2,152,855

	1997 Appropriation			1998 Base			1998 Estimate			Increase/Decrease	
	Perm	Pos	WY	Amount	Perm	Pos	WY	Amount	Perm	Pos	WY
Estimates by budget activity:											
Byrne Law Enforcement Assistance.....	--	--	--	\$199,000	--	--	--	\$580,000	--	--	--
Criminal Records Upgrade.....	--	--	--	50,000	--	--	--	45,000	--	--	--
Correctional Facilities Grants.....	--	--	--	670,000	--	--	--	710,500	--	--	--
Drug Courts.....	--	--	--	30,000	--	--	--	75,000	--	--	--
Local Law Enforcement Block Grants.....	--	--	--	523,000	--	--	--	0	--	--	--
State Criminal Alien Assistance Program.....	--	--	--	330,000	--	--	--	350,000	--	--	--
Residential Substance Abuse Treatment Prog.....	--	--	--	30,000	--	--	--	63,000	--	--	--
Violence Against Women Act Prog.....	--	--	--	196,500	--	--	--	248,750	--	--	--
Violent Youth Court Program.....	--	--	--	0	--	--	--	50,000	--	--	--
Assistance for Delinquent and At-Risk Youth.....	--	--	--	0	--	--	--	8,000	--	--	--
Other Crime Control Programs.....	--	--	--	7,650	--	--	--	22,605	--	--	--
	--	--	--	2,036,150	--	--	--	2,152,855	--	--	--

NOTE: Workyears/positions are reflected under Justice Assistance, Management and Administration.

Office of Justice Programs
Summary of Resources by Program
Violent Crime Reduction Program
(Dollars in thousands)

[illegible]

NOTE: Payments and MeritSystems are accounted for in Justice Attorney

**OFFICE OF JUSTICE PROGRAMS
VIOLENT CRIME REDUCTION PROGRAMS
PROGRAM PERFORMANCE INFORMATION
(Dollars in thousands)**

BYRNE LAW ENFORCEMENT ASSISTANCE

MISSION: To assist State and local units of government to control and prevent drugs and violent crime and to improve the functioning of the criminal justice system by assisting States develop and implement innovative alternatives to traditional modes of incarceration.

GENERAL GOALS:

1. Award grants to States for use by States and local units of government for crime prevention/control and system improvement programs.
2. Provide States with guidance on administrative issues and requirements.
3. Provide States and local criminal justice agencies with state-of-the-art information on effective programs, practices, and techniques.
4. Obtain information from States on effective programs and to document "what works" in reducing crime and improving the criminal justice system.
5. Provide States and subgrantees with training and technical assistance on administrative and program issues.
6. Encourage States to address National priorities.
7. Monitor formula grant activities for compliance with requirements and the effective implementation of the statewide strategy.
8. Develop and test the effectiveness of new programs and practices and to control and prevent drug use, crime and violence and improve the functioning of the criminal justice system at the State and local levels.

9. Provide training and technical assistance and to improve and enhance the capacity of State and local agencies and community members to engage in effective drug/ crime and violence control/prevention activities.
10. Encourage and facilitate coordination and cooperation among criminal justice agencies, across jurisdictions, between Federal, State, and local agencies; across disciplines; and between the criminal justice system and the community.
11. Assess the impact of program activities on drug and crime problems and the criminal justice system.
12. Develop alternatives that reduce reliance on incarceration and to relieve overcrowding in correctional institutions.

Edward Byrne Formula Grants:

	Amount
1997 Appropriation	\$199,000
1998 Base	199,000
1998 Request	\$05,000
<i>Increased/Decreased</i>	<i>+ 306,000</i>

BASE PROGRAM DESCRIPTION: The Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program, authorized by the Anti-Drug Abuse Act of 1988, assists States and units of local government in carrying out specific programs which offer high probabilities of improving the functioning of the criminal justice system, with special emphasis on nationwide and multi-level drug control strategies and violent crime prevention. Programs and projects are developed to assist multi-jurisdictional and multi-state efforts to control drugs and crime and to support National priorities. The Anti-Drug Abuse Act of 1988, as amended, authorizes programs in 26 purpose areas to improve the criminal justice system.

Fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are eligible to receive a formula grant award. A percentage of each State's formula award must be used for projects at the local level, based on the proportion of local criminal justice expenditures to total State and local criminal justice expenditures. States, in consultation with local officials, develop statewide drug and violent crime strategies and funding priorities to address their drug and violent crime problems and to improve the functioning of their criminal justice systems while supporting National priorities and objectives.

The State and Local Law Enforcement Assistance narrative contains detailed 1995 and 1996 Program highlights.

PROGRAM CHANGE: The 1998 request for the Byrne Formula Grants Program is \$505 million and is entirely financed by the Violent Crime Reduction Trust Fund (VCRIF). This request, which is \$5 million above the 1997 appropriation, will maintain current program activities as well as increase the funding available to States for the drug testing from \$25 million to \$30 million.

Edward Byrne Discretionary Grants	
1997 Appropriation	Amount
1998 Base	\$ 0
1998 Request	0
<i>Increase/Decrease</i>	75,000
	75,000

BASE PROGRAM DESCRIPTION: The Edward Byrne Memorial State and Local Law Enforcement Assistance Program, authorized by the Anti-Drug Abuse Act of 1988, assists States and units of local government in carrying out specific programs which offer high probabilities of improving the functioning of the criminal justice system with special emphasis on nationwide and multi-level drug control strategies. The Anti-Drug Abuse Act of 1988, as amended, authorizes programs in 26 purpose areas to control drugs and improve the criminal justice system.

The Bureau of Justice Assistance (BJA) administers the Byrne Discretionary Grant Program and provides leadership and guidance on crime and violence prevention and control and criminal justice system improvement at the State and local levels. BJA is authorized by Congress to make awards to public and private agencies and organizations for National scope and multi-state programs, demonstration programs, training, and technical assistance to assist States and local jurisdictions. National scope programs provide a service or product of benefit throughout the country or across multiple States or address issues of national concern. Demonstration programs develop, test, evaluate, and document new programs and practices. Training activities provide State and local criminal justice practitioners and others with state-of-the-art information on effective programs and practices. Technical assistance provides support to sites participating in demonstration programs and is also available to assist individual jurisdictions implement programs or practices and/or address specific issues.

The State and Local Law Enforcement Assistance narrative contains detailed 1995 and 1996 Program highlights.

Comprehensive Approaches: In 1998, BJA will continue to assist local communities and neighborhoods with the development and implementation of comprehensive approaches to problems related to drugs, crime, and violence at the community and neighborhood levels. A comprehensive approach requires law enforcement and other governmental agencies to work in partnership with community members and organizations to address crime, as well as the factors that increase the risk of individuals becoming involved in problem behavior.

Violence Prevention: Programs to reduce and prevent violence will continue to be a high priority in 1998, including the continuation and expansion of programs to control and reduce illegal firearms activity, homicides, and gang-related crimes.

Community Partnership and Prevention: Crime and violence are only a symptom of broader problems which plague our communities. Crime cannot be stopped by law enforcement without the active participation of the community and other public and private agencies. In 1998, BJA will continue to expand and enhance community mobilization efforts by assisting local communities and law enforcement agencies in actively engaging resident and community groups in taking back their neighborhoods, one neighborhood at a time, from drug dealers, gangs, and other criminals. This program complements efforts to hire additional police officers and expand community policing. It is designed to encourage and prepare local communities to embrace community crime prevention, community mobilization, community revitalization, and neighborhood level problem solving.

Improve the Functioning of the Criminal Justice System: In 1998, BJA will continue to identify, develop, and test programs, policies, procedures, and standards of operations to improve the effectiveness and efficiency of the criminal justice system at the State and local levels. Programs will continue to examine law enforcement activities, the adjudicatory process, and corrections functions in an effort to help State and local agencies respond to emerging problems, identify ways to target limited resources to the most serious crime/offenders where they will have the greatest impact, and take advantage of new technologies and best practices.

Training and Technical Assistance: Efforts to identify "what works" is of limited value unless that information is widely disseminated and local practitioners are given assistance in replicating these innovations. In 1998, BJA will continue to expand training and technical assistance to State and local criminal justice practitioners, other government officials, service providers, and community organizations and residents. Training and technical assistance will share information and lessons learned through demonstration programs which are developed in response to emerging problems at the State and local levels.

Evaluation: In order to increase the efficiency of programs and determine "what works," BJA will work with the National Institute of Justice (NIJ) to conduct evaluations of selected programs. The NIJ has a statutory responsibility for the evaluation of BJA's programs. A portion of the funds allocated for the programs described above may be reimbursed to NIJ to support program evaluation efforts.

PROGRAM CHANGE: Unlike the 1997 direct appropriation of \$60 million from the State and Local Law Enforcement account, the 1998 funding request of \$75 million for the Byrne Discretionary Grant Program is entirely financed under the YCRTE. Of the \$15 million program increase, \$10 million will bring BJA's unearmarked funds back to pre-1996 and 1997 levels. During these 2 years, BJA's ability to carry out its primary mission of partnering with units of local, State, and tribal governments and National organizations to demonstrate and promote the replication of effective, innovative crime control and violence prevention programs was reduced. The remaining \$5 million is for the evaluation of drug testing Initiatives.

LOCAL LAW ENFORCEMENT BLOCK GRANTS

MISSION: To make funds available to units of local governments for the purpose of reducing crime and improving public safety.

GENERAL GOALS:

1. Hire, train, and employ on a continuing basis, new, additional law enforcement officers and necessary support personnel.
2. Pay overtime to presently employed law enforcement officers and necessary support personnel.
3. Procure equipment, technology and other material directly related to basic law enforcement functions.
4. Enhance security measures in and around schools, and in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.
5. Establish or support Drug Courts.
6. Enhance the adjudication process of cases involving offenders, including the adjudication process of cases involving violent juvenile offenders.
7. Establish a multi-jurisdictional task force, particularly in rural areas, composed of law enforcement officials representing units of local government, that work with Federal law enforcement officials to prevent and control crime.
8. Establish crime prevention program involving cooperation between community residents and law enforcement personnel in order to control, detect or investigate crime or the prosecution of criminals.
9. Pay for costs of indemnification insurance for law enforcement officers.

Local Law Enforcement Block Grants	Amount
1997 Appropriation	\$ 523,000
1998 Base	523,000
1998 Request	<u>0</u>
<i>Increase/ Decrease</i>	<i>- 523,000</i>

BASE PROGRAM DESCRIPTION: The Local Law Enforcement Block Grant Program (LLEBGP), administered by the Bureau of Justice Assistance (BJA) and authorized by the 1996 Appropriations Act, provides funds to units of local governments for purposes of reducing crime and improving public safety. Funding under this program is available to qualifying units of local government. States for their award to units of local governments which did not qualify for direct awards, and for State law enforcement agencies providing law enforcement services to units of local government.

In 1996, Congress appropriated \$503 million for this program and BJA subsequently made approximately 2,700 State and local grant awards. In 1997, although no program funding was requested, the Congress provided \$523 million to continue LLEBGP program activities. With the available funding, BJA expects to make approximately 2,900 grants.

PROGRAM CHANGE: There are no continuation funds requested for this program in 1998.

CRIMINAL RECORDS UPGRADE PROGRAM

MISSION: To enhance the quality, completeness, and accessibility of the nation's criminal history record systems.

GENERAL GOALS: Assist States in improving the level of criminal history record automation, accuracy, and completeness, and to transmit records to the national system.

Criminal Records Upgrade:	Amount
1997 Appropriation	\$50,000
1998 Base	50,000
1998 Request	\$5,000
Increase/ Decrease	- 5,000

BASE PROGRAM DESCRIPTION: This program implements the grant provisions of the Brady Handgun Violence Prevention Act and the National Child Protection Act of 1991, and those provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and Section 210603 of the Violent Crime Control and Law Enforcement Act of 1994 (VCLLEA), which pertain to the establishment, maintenance, or use of criminal history records and criminal record systems.

The goal of the National Criminal History Improvement Program (NCHIP) is to improve the quality of the nation's criminal history records and to support the timely development of the capability to perform adequate criminal background checks. The national system will permit the immediate identification of persons who are prohibited from purchasing firearms, are subject to domestic violence protective orders, or

are ineligible to hold positions of responsibility involving children, the elderly, or the disabled. The development of complete and accurate criminal records, that are immediately available on an interstate basis, is critical to support law enforcement efforts to make determinations regarding pretrial release, career criminal charging, sentencing options, and correctional assignments. Background checks for national security and related purposes are also only as effective as the quality of the records on which they are based.

PROGRAM CHANGE: In 1998, \$45 million is requested for continuation of the NCIIIP, which implements Section 106(b) of the Brady Handgun Violence Prevention Act, Section 4(b) of the National Child Protection Act of 1993 and Section 210603 of the VCCL:EA. Together the acts authorized \$220 million, \$200 million of which represent VCCL:EA resources. Of this, \$100 million was appropriated to implement the Brady Act in 1995; \$25 million was appropriated in 1996 and \$30 million is appropriated in 1997 for implementation of both the Brady and Child Protection Acts. The 1998 request of \$45 million represents the balance of what is available, and needed, for this program.

Of the \$100 million in 1995, \$6 million was provided to the Federal Bureau of Investigation (FBI) for startup tasks related to the establishment of the National Instant Criminal Background Check System (NICS) as required by the Brady Act. With approval of the Department of Justice, the nearly identical goals of the two Acts were merged into a single program initiative to insure uniformity in all grant-funded efforts to improve criminal history records nationwide.

Under the 1995 NCHIP program, approximately \$80 million in direct awards were made to every State. This includes approximately \$76 million to assist States in improving the quality and accessibility of criminal history records and the development of procedures to identify felons who attempt to purchase firearms.

In addition, the Brady Act also requires that the presale check be made against records of the other categories of persons prohibited from purchasing firearms including: fugitives, illegal aliens, persons under mental commitment, drug abusers, persons dishonorably discharged from the Armed Forces, citizenship renunciators, persons subject to a civil restraining order arising out of domestic violence, and persons convicted of domestic violence misdemeanors. In 1995, nearly \$4 million in direct awards were provided to 18 States to initiate pilot efforts to collect and access data in these categories.

The 1996 appropriation was not available until April 1996. The 1996 program announcement was published in May 1996. In contrast to the 1995 appropriation, the 1996 appropriation--and all years thereafter--implements both the Brady Act and the National Child Protection Act. Starting in 1996, NCHIP funds were required to support not only criminal record improvement, but also the functions necessary to enable States to identify persons ineligible to hold positions of responsibility involving children, the elderly, and the disabled. By the close of 1996, States received a total \$33 million in direct awards. This funding enabled States to continue upgrading criminal record systems to ensure the availability of complete and accurate records of felony convictions and to identify persons convicted of crimes involving

domestic violence, crimes against children, the elderly, and the disabled, and persons subject to protective orders involving domestic violence.

The 1997 NCHIP program announcement will be issued in the Spring 1997. Awards will be made in the Summer/Fall 1997. Section 922 of the Federal Gun Control Act, amended on September 30, 1996, prohibits the sale of firearms to persons convicted of misdemeanors involving domestic violence. To implement this new requirement, 1997 NCHIP funds will also be available to States to collect and automate misdemeanor information and to identify those misdemeanors which involve domestic violence.

The 1998 request of \$45 million equals the remainder of funds authorized under the Brady and Child Protection Acts and the VCCLEA. Full funding at the authorized level is necessary to ensure that program goals are achieved within the required period for implementation of the National Instant Criminal Background Check System (NICS). The Brady Act requires that NICS become operational in November 1998. After this date, determinations on presale firearm checks are dependant on the immediate availability of complete State records to be exchanged through the national system. Because 1998 is the last funding year that final efforts can be made to ensure State record systems are capable to supply the necessary information through the interstate NICS system, 1998 funds will be focused on critical remaining areas requiring technical and operational support as identified by the States and BJS. Failure to fully support the final phase of record development before implementation of NICS will result in potential reliance on inaccurate records which may lead to illegal sales or erroneous denials to eligible purchasers.

The remaining authorized \$45 million is required to:

- Enable States to expand the development of Automated Fingerprint Identification Systems (AFIS) which permit the immediate identification of record subjects. Linkage of State AFIS with the FBI's national AFIS, in particular, will permit instant access to positive identification which facilitates records checks and ensures the accuracy of subjects and data provided. Use of NCHIP funds to support expanded livecan capability also permits the local identification of subjects and, potentially, persons making presale firearm inquiries.
- Facilitate implementation efforts to develop procedures to access data on non-felon categories of prohibited purchasers including drug abusers, persons committed to mental institutions, illegal aliens, persons subject to restraining orders, and persons convicted of domestic violence misdemeanors. Studies associated with these pilot efforts, begun in 1996, indicate that substantial work remains to be done in these important areas.
- Ensure States meet the requirements of the Child Protection Act, including activities such as identifying and flagging records involving child and elderly abuse, collecting data on civil restraining orders, supporting participation in the FBI's national file on protective

orders, and deferring costs associated with background checks on volunteers. Although the Child Protection Act does not mandate States enact legislation requiring background checks, an increasing number of States are putting such requirements into effect to ensure that ineligible persons are not given responsibility involving children, the elderly, or the disabled.

- Support both a national survey and an in-depth analysis of improvement in criminal justice processing resulting from increased access to complete criminal records. This survey updates those conducted in 1993 and 1996 and will permit the measurement of State progress and identifies the remaining areas to be addressed. The study will initiate a continuing program of research into utilization of improved records and focuses on the specific criminal justice benefits arising in each component of the justice system.
- Assist States in meeting new requirements of the Federal Gun Control Act by supporting efforts to collect and automate misdemeanor records and to identify misdemeanors involving domestic violence.

CORRECTIONAL FACILITIES GRANTS

MISSION: To enhance the capability of States to confine violent offenders in secure facilities and ensure that violent offenders remain incarcerated for substantial periods of time through the implementation of truth-in-sentencing laws.

GENERAL GOALS:

1. Provide assistance to States to build or expand correctional facilities to increase the bed capacity for the confinement of violent offenders.
2. Promote the implementation of truth-in-sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed.

Correctional Facilities Grants:	
1997 Appropriation	Amount
1998 Base	\$ 670,000
1998 Request	670,000
Increase/ Decrease	710,500
	+ 40,500

BASE PROGRAM DESCRIPTION: The Violent Offender Incarceration and Truth in Sentencing Incentive Grant Program is authorized by Subtitle A of Title II of the VCCLEA, as amended. Subtitle A authorizes formula grants to States, and States organized as

multi-state compacts, to construct or expand correctional facilities for violent offenders or facilities for the confinement of nonviolent offenders and criminal aliens in order to free secure prison space for violent offenders. Funds can also be used to build or expand local jails. A small discretionary grant program provides grants to Indian tribes to construct jails on tribal lands.

The Violent Offender Incarceration Program receives half (50%) the total available for formula grants and distributes these funds using a three tiered formula. To receive funding under tier 1, a State must provide assurance that it has implemented, or will implement policies programs and laws to get tough on violent offenders. To qualify for funds under tiers 2 and 3, a State must provide data which demonstrate tougher treatment of violent offenders. The Truth In Sentencing Incentive Grant Program receives the other half of the funds and provides awards to States which have enacted truth in sentencing laws, or to an indeterminate State that has sentencing and release guidelines or policies that require violent offenders to serve at least 85 percent of their prison sentence.

The 1996 appropriation of \$617.5 million, enacted on April 26, 1996, included two set-asides: (1) \$200 million for the State Criminal Alien Assistance Program (SCAAP) to reimburse State and local jurisdictions for holding criminal aliens and (2) \$12.5 million for the Cooperative Agreement Program (CAP) for the improvement of State and local correctional facilities that hold Federal prisoners. These funds, totaling \$212.5 million were transferred to the Bureau of Justice Assistance (BJA) and the U.S. Marshals Service for distribution. In 1996, awards totaling \$1,215,000 were made to two Indian tribes to assist them in developing tribal correctional facilities for juvenile offenders. The tribes were selected because a large proportion of the youth in Federal corrections facilities are from these tribes. Approximately \$319 million was available for distribution to qualified States as Violent Offender Incarceration and Truth-in-Sentencing Incentive grants. All States applied for and received a Violent Offender Incarceration tier 1 formula award. Each State, the District of Columbia, and Puerto Rico received an award of \$1,248,453. The four remaining territories received \$83,230. Most States and territories (52) received tier 2 awards ranging in from \$6,180 (American Samoa) to \$16,376,762 (California). Tier 3 awards were provided to 31 States and territories; award amounts were approximately \$880,000. Twenty-five States received Truth-in-Sentencing incentive awards, with amounts ranging from \$71,433 (North Dakota) to \$42,856,511 (California).

In 1997, a total of \$670 million is available for this program to help States increase secure space to incarcerate violent offenders and accommodate the rapidly growing prison population. Of the amount available, \$170 million is for SCAAP and \$12.5 million for CAP. Applications for Violent Offender Incarceration tier 1 grants are due in February 1997. Applications for tiers 2 and 3 and for Truth-in-Sentencing grants are due July 1, 1997. The July 1997 deadline allows States which did not qualify for 1996 funds time to enact Truth-in-Sentencing legislation or to provide additional data needed to qualify for funds in 1997. Two new requirements, added to the program during the 1997 appropriation process, require States to have drug testing programs and to report inmate deaths. In accordance with the statute, the Attorney General issued Drug Testing Guidelines in December 1996. New requirements related to inmate death reporting are included in the 1997 Program Guidance and Application Kit.

PROGRAM CHANGE: The 1998 request of \$710.5 million is \$40.5 million greater than the 1997 appropriation, but less than one-third of the \$2.527 billion authorized by Section 20108 of the VCCLEA, as amended by General Provision section 114, of the 1996 Appropriations Act, and provides continued support for SCAAP (\$150 million) and CAP (\$35 million). The additional \$40.5 million in funding will assist States to increase secure space to incarcerate violent offenders. Current prison populations are growing at a rate of more than 1,700 beds per week. These figures will increase as the impact of implementing tougher sentencing laws and practices required by the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grant Program begin to be felt. Over the next 5-10 years, the need for additional space will escalate as the actual time served by violent offenders increases from the current average in all States of approximately 45 percent to at least 85 percent of the sentence imposed in participating States. At an average cost of approximately \$34,000 per prison bed, the 1998 request represents almost 9,000 beds.

DRUG COURTS GRANTS

MISSION: To improve public safety and reduce criminal recidivism through support of drug court programs that intensively supervise drug treatment for drug addicted, non-violent offenders.

GENERAL GOALS: Provide financial and technical assistance for States, State courts, units of local government, local courts and Indian tribal governments to develop and implement treatment drug courts that employ the coercive power of the courts to subject non-violent offenders to an integrated mix of treatment, substance abuse testing, incentives, and sanctions to break the cycle of substance abuse and crime.

Drug Courts Program		Amount
1997 Appropriation		\$ 30,000
1998 Base		30,000
1998 Request		<u>75,000</u>
	<i>Increase/ Decrease</i>	<i>+ 45,000</i>

BASE PROGRAM DESCRIPTION: As enacted by section 50001 of the VCCLEA, the Drug Courts program provides financial and technical assistance for States, State courts, units of local government, local courts and Indian tribal governments to develop and implement treatment drug courts that employ the coercive power of the courts to subject non-violent offenders to an integrated mix of treatment, substance abuse testing, incentives, sanctions and services to break the cycle of substance abuse and crime. In November 1994, the Office of Justice Programs (OJP) established a new Drug Courts Program Office to administer this program and to oversee the Drug Court Clearinghouse established by the Bureau of Justice Assistance (BJA). Guidelines were produced through a coordinated effort of OJP and its component offices and bureaus, and the Department of Health and Human Services.

In 1995, a total of 130 applications were received from 41 States, Puerto Rico, and the District of Columbia. By the Fall 1995, the Attorney General announced 52 planning grants, 5 implementation grants and 8 enhancement grants. In addition, 5 training and technical assistance workshops were provided to the 52 planning grantees.

In March and April 1996, a new technical assistance strategy was implemented, the Mentor Drug Court Network. Through this program, the staff of seven existing drug courts serve as mentors for staff in other jurisdictions where drug courts are being planned. Initial training programs were held at each of the seven drug courts for Drug Court Program Office planning grantees. This strategy continues to be an effective tool for helping courts learn from and assist each other.

Current plans for expanding and maintaining the Mentor Drug Court Program include providing logistical support to the seven mentor courts such as helping to set-up: (1) visits from other jurisdictions who call for help; (2) an "800" number referral system to the mentor courts; (3) cross training for the drug court practitioners in the mentor courts so they become familiar with mentor courts other than their own; and (4) seven to ten site visits to other mentor courts for groups interested in developing a drug court in their jurisdiction.

Other 1997 national technical assistance and training efforts will focus on building program evaluation and information system development for drug courts.

On May 9, 1996 the Attorney General announced the award of 9 new drug court implementation grants and 7 new enhancement grants. These were originally 1995 applications which qualified but did not receive monies due to fiscal constraints. A program guideline soliciting new applications for additional 1996 planning, implementation and enhancement grants was distributed on October 1, 1996.

For 1997, the Drug Courts Program Office was appropriated \$30 million. Upon receiving this appropriation, a Notice was sent to everyone receiving the October 1, 1996 guideline and application kit stating that a substantial portion of the 1997 appropriation would be committed to the applications received by the deadline and be based on the merit of the applications. The Drug Courts Program office received a total of 277 applications from 42 States, Guam, Puerto Rico and the District of Columbia. The applications are currently out for peer review and award decisions are expected by March 1997.

PROGRAM CHANGE: The 1998 request of \$75 million is \$45 million greater than the 1997 appropriation and allows for significant program growth and development. This request is, however, less than half of the \$200 million authorized under section 1001(a)(20) of the 1968 Act for this program.

**VIOLENCE AGAINST WOMEN ACT PROGRAM:
LAW ENFORCEMENT AND PROSECUTION GRANTS**

MISSION: To develop and strengthen effective coordinated and integrated law enforcement and prosecution strategies and related victim services in cases involving violent crimes against women

GENERAL GOALS:

- 1 Expand the formula grant program established in 1995 to promote the apprehension, prosecution, and adjudication of persons committing violent crimes against women.
- 2 Encourage States and localities to restructure the criminal justice response to violent crimes against women
- 3 Develop a comprehensive set of strategies in response to violent crimes against women that draw on the experiences of all of the key components of the criminal justice system, including the advocacy community

Law Enforcement and Prosecution Grants:

	Amount
1997 Appropriation	\$ 145,000
1998 Base	145,000
1998 Request	160,000
<i>Increase/Decrease</i>	<i>+ 15,000</i>

BASE PROGRAM DESCRIPTION: This program implements Section 4121, "Grants to Combat Violent Crimes Against Women," of the VCCLEA, codified at Sections 2001-6 (42 U.S.C. § 3796gg to gg-5) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

This program provides formula grants to States, units of local government, and tribal governments to develop proactive, coordinated, and integrated strategies to respond to violent crimes against women. The legislation mandates that four percent of funding be available for discretionary grants for Indian tribal governments for the same purpose. The development of coordinated and integrated strategies requires collaboration among police, prosecutors, the courts, and victim services providers. Examples of innovative approaches that can be supported with grant funds include:

- (1) Comprehensive training programs to change attitudes that traditionally have prevented the criminal justice system from responding adequately to violent crimes against women;
- (2) Specialized units within police departments and prosecutors' offices, or specialized multi-disciplinary units devoted exclusively to handling domestic violence and/or sexual assault cases;
- (3) Sexual trauma units in emergency rooms where forensic examinations, victim counseling, and victim advocacy are equally available;
- (4) Strategies to maximize resources by establishing regional approaches, such as the registration and enforcement of protective orders across jurisdictional lines;
- (5) Protocols to achieve better coordination between civil and criminal courts in cases involving violence against women; and
- (6) Victim services that address the special needs of women from minority and ethnic communities, women with disabilities, and non-English-speaking women.

In 1995, the Violence Against Women Grants Office initiated the first stage of a multi-year effort to enhance the criminal justice system response to violence against women by awarding grants of \$426,364 to 56 States and territories. Every State and territory complied with the requirement to limit the out-of-pocket costs for forensic medical exams and court procedures for victims of domestic and sexual abuse. In addition, 1995 funding supported 14 grants totaling \$1,021,594 to tribal governments to improve the tribal justice system response to violence against Indian women.

In 1996, each State and territory received two levels of funding. First, each received a base award of \$500,000. Then, each received an additional award based on population. The 1996 funding also supported \$4 Indian tribal government grants totaling \$4,536,000, and supplements to 14 of the 1995 tribal grantees totaling \$126,000.

In 1997, each State and territory received a \$500,000 base award, plus additional funds based on population.

PROGRAM CHANGE: The request for \$160 million represents the total amount authorized by section 1001(a)(18) of the 1968 Act for this program in 1998. The increase of \$15 million over the 1997 appropriation will allow States to significantly enhance efforts to respond to violent crimes committed against women and further expand access to services to previously underserved Indian and other minority populations.

**VIOLENCE AGAINST WOMEN ACT PROGRAM:
GRANTS TO ENCOURAGE ARREST POLICIES**

MISSION: To strengthen the criminal justice system's response to domestic violence and ensure that domestic violence is treated as a serious violation of criminal law.

GENERAL GOALS:

1. Encourage States, units of local government, and Indian tribal governments to implement mandatory arrest or pro-arrest programs and policies in response to domestic violence incidents, including mandatory arrest programs and policies for violations of protection orders.
2. Continue to enhance the capability of all components of the criminal justice system to respond consistently and in a coordinated and integrated manner to cases involving domestic violence

Grants to Encourage Arrest Policies:	Amount
1997 Appropriation	\$33,000
1998 Base	33,000
1998 Request	59,000
<i>Increase/ Decrease</i>	<i>+26,000</i>

BASE PROGRAM DESCRIPTION: This program implements Section 40231, "Encouraging Arrest Policies," of the VCCL&A, codified at Sections 2101-5 (42 U.S.C. § 3796hh to hhM) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. This program awards discretionary grants to States, units of local government, and Indian tribal governments to: (1) implement mandatory arrest or pro-arrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations; (2) provide training to improve police tracking of cases involving domestic violence; (3) centralize and coordinate police enforcement, prosecution, and/or judicial responsibility for domestic violence cases; (4) coordinate computer tracking systems to ensure communication among police, prosecutors, and criminal and family courts; (5) strengthen legal advocacy service programs for domestic violence victims; and (6) educate judges in criminal and other courts about domestic violence to improve judicial handling of such cases.

This program requires States to demonstrate that their laws, policies, and/or practices discourage dual arrests of the offender and victim; prohibits the issuance of mutual protection orders (except in cases in which both parties file a claim and the court finds that they both acted primarily as aggressors and that neither acted primarily in self-defense); and does not require that the abused person bear the costs

associated with filing criminal charges or service of such charges on the abuser, or issuance or service of a warrant, protection order, or witness subpoena.

For 1996 and 1997, a total of approximately \$60.2 million was available for this discretionary grant program. Of this amount, 122 grants totaling \$46.6 million have been awarded.

PROGRAM CHANGE: The request of \$59 million represents the total amount authorized for this program under the VCCLEA for 1998. It is \$26 million over the 1997 appropriation and permits the implementation of mandatory or pro-arrest policies in additional jurisdictions across the country.

VIOLENCE AGAINST WOMEN ACT PROGRAM: RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE

MISSION: To enhance the capability of States, Indian tribal governments, local governments, and public and private entities in rural areas to respond in a coordinated and integrated manner to incidents of domestic violence and child abuse.

GENERAL GOALS: Enhance cooperation among all components of the criminal justice system in responding to incidents of domestic violence and child abuse/victimization in rural jurisdictions.

Rural Domestic Violence and Child Abuse Enforcement:	
1997 Appropriation	Amount
1998 Base	\$ 8,000
1998 Request	8,000
<i>Increase/Decrease</i>	13,000
	+7,000

BASE PROGRAM DESCRIPTION: This program implements Section 40295, "Rural Domestic Violence and Child Abuse Enforcement Assistance," of the VCCLEA, codified at Section 40295 (42 U.S.C. § 13971) of the VCCLEA. It provides discretionary grants to States, Indian tribal governments, local governments in rural States, and public and/or private entities in rural States to establish and expand cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties or entities to investigate and prosecute incidents of domestic violence and child abuse; provide treatment and counseling to domestic violence and child abuse victims; and work with their respective community organizations to develop education and prevention strategies to address domestic violence and child abuse/victimization.

In 1996, 20 grants totaling \$5.6 million were awarded to 7 States, 4 tribal governments, 4 units of local government in rural States, and 5 public/private entities in rural States.

PROGRAM CHANGE: The 1998 request for \$15 million represents the total amount authorized for this program under section 40295(c) of the VCCLEA. The increase of \$7 million over the 1997 appropriation will provide enhanced access to services in additional rural jurisdictions across the country.

VIOLENCE AGAINST WOMEN ACT PROGRAM: TRAINING PROGRAMS

MISSION: To enhance the capacity of probation and parole officers and other personnel who work with released sex offenders to better manage this difficult offender population and help ensure public safety.

GENERAL GOALS: Continue to provide training for probation and parole officers and other personnel who work with released sex offenders.

Training Programs:

	Amount
1997 Appropriation	\$ 1,000
1998 Base	1,000
1998 Request	2,000
<i>Increase/Decrease</i>	<i>+1,000</i>

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BASE PROGRAM DESCRIPTION: This program implements Section 40152, "Training Programs," of the VCCLEA, codified at Section 40152 (42 U.S.C. § 13941) of the VCCLEA. It establishes criteria and develops training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of case management, supervision, and relapse prevention.

In November 1996, a summit of 180 experts, from several disciplines within the criminal justice field, convened in Washington, D.C. The purpose of this summit was to launch discussions and gather ideas on how to best provide training under this program.

PROGRAM CHANGE: This request is \$1 million above the 1997 appropriation and allows a larger number of probation and parole officers to receive training on better managing released sex offenders in the community --an issue of intense interest to and great need in communities across the country.

**NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION
State Stalking and Domestic Violence Data**

MISSION: To develop and improve the processes for identifying, classifying, collecting, and entering data regarding stalking and domestic violence into local, State, and national crime information databases.

GENERAL GOALS: Assist States in their efforts to collect data on stalking and domestic violence and to make such information available through the national criminal history record network.

State Stalking & Domestic Violence Data:	
1997 Appropriation	Amount
1998 Base	\$1,750
1998 Request	1,750
<i>Increase/Decrease</i>	<i>2,750</i>
	<i>+1,000</i>

BASE PROGRAM DESCRIPTION: The program implements provisions of Section 40602 of the VC/CLEA, which authorizes a program to assist States in identifying, classifying, collecting, and transmitting data on warrants, arrests, convictions, and protection orders relating to stalking and domestic violence, and making such information available through the national criminal history record network. In 1996, \$1.5 million was appropriated to implement the stalking and domestic violence component of the Bureau of Justice Statistics National Criminal History Improvement Program (NCHIP). In 1997, \$1.75 million is available to continue implementation of this provision. The NCHIP grant program awards grants to all States and eligible U.S. territories to upgrade the quality and availability of criminal history records for both criminal and noncriminal justice purposes.

Beginning in 1996, the NCHIP program was expanded to assist States to collect, flag, and make available, records of arrests, warrants, convictions and protective orders relating to stalking and domestic violence. The National Stalking and Domestic Violence Reduction Program provides States with the resources to upgrade less adequate on-line information about stalkers and others who have committed domestic violence, and increase information-sharing between States. The data files funded by this program are not statistical or research databases, but are automated systems accessed by law enforcement agencies for crime fighting purposes.

Recognizing the importance of these issues, and pursuant to OJP's commitment to Congress, BJS advised that States submitting early applications under this program could receive 1997 funding by December 1. As a result, 7 States applied and received grants by this date. By the close of the fiscal year, all remaining States will receive funds from this component of the NCHIP program as part of its regular 1997 NCHIP award. Increased State involvement is critical to ensuring that this data is available to respond to inquiries within the State.

regionally, and on a national basis. Furthermore, States will receive assistance in developing procedures for identification of current protective orders and full faith and credit enforcement of out of State orders. All of these efforts are necessary to fully achieve the goals of the Violence Against Women Act, implemented by these provisions.

PROGRAM CHANGE: The 1998 request of \$2.75 million equals the amount authorized for this program under section 40603 of the VCCLEA. The \$1 million increase over the 1997 appropriation allows for modest program expansion. Specifically, 1998 funds will be used to ensure that arrests and less-than-felony convictions data, based on stalking and domestic violence, are entered into State and local databases and made available for both law enforcement and authorized non-criminal justice consideration. In light of the Brady Act, previous efforts focused on the collection of data on stalking and domestic violence protective orders, felony convictions and arrest warrants. During 1997, BJS reviews will identify residual procedural, technical, and policy issues, to assist States to implement procedures and techniques for exchange of data within and between States.

STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

MISSION: To provide Federal assistance to States and local units of government for the costs of incarcerating illegal aliens convicted of felony offenses and to expedite the transfer of custody for certain deportable aliens.

GENERAL GOALS:

- 1. Reimburse States and local governments for the costs of incarcerating illegal criminal aliens convicted of a felony.
- 2. Better identify criminal aliens who are in the country illegally.
- 3. Expedite the process of transferring illegal aliens from State and local correctional institutions to Federal custody in preparation for deportation.

State Criminal Alien Assistance Program:		Amount
1997 Appropriation		\$ 330,000
1998 Base		330,000
1998 Request		350,000
	Increase/ Decrease	+ 20,000

BASE PROGRAM DESCRIPTION: The State Criminal Alien Assistance Program (SCAAP), authorized by section 20301 of the Violent Crime and Law Enforcement Act of 1994, as amended, is administered by the Bureau of Justice Assistance (BJA). Under this program, BJA processes applications and makes awards to States and local governments to reimburse them for the costs of incarcerating illegal criminal aliens. Verification of the immigration status of inmates claimed is done solely by the Immigration and Naturalization Service (INS), with results of this verification being reported to BJA and the applicants. At the discretion of the Attorney General, certain types of deportable aliens (especially aggravated felons) may be taken into Federal custody pending deportation in lieu of reimbursement.

Awards are based on verified counts made by State and local correctional institutions of illegal aliens convicted of felony offenses and based on average inmate costs. The final awards represent partial reimbursement of total costs claimed for verified illegal criminal alien inmates, to the level allowed by the appropriation for the fiscal year (minus some administrative costs, as provided for in the legislation). In 1996, final SCAAP awards were made on December 5, 1996, following the review and verification of both the alien status of inmates identified by the INS and cost information provided by applicants. Forty-nine States, the District of Columbia, 3 territories, and 94 local jurisdictions received awards varying from \$225.00 (Murry, Oklahoma) to \$252,260,225 (State of California). In 1996, reimbursements totaling approximately \$495 million were provided for over 40,000 inmate equivalent years. This represents a payout to each applicant of approximately 60 cents on every dollar claimed. In 1997, a total of \$500 million is available for SCAAP; \$350 million directly funded under section 20301 of the VCCLEA and another \$150 million available as a set-aside under the Correctional Facilities Grant Program.

PROGRAM CHANGE: The budget request of \$350 million equals the total amount authorized for this program under the VCCLEA in 1998 and represents a \$20 million increase over the 1997 appropriation. This funding request, combined with the \$150 million earmarked under the State Correctional Grants Program, provides a total of \$500 million for SCAAP in 1998, the same as in 1996 and 1997.

RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS PROGRAM

MISSION: To enhance the capability of States and units of local government to provide residential substance abuse treatment for incarcerated inmates.

GENERAL GOALS: Provide financial and technical assistance, through the Residential Substance Abuse Treatment for State Prisoners Program (RSAT), to assist States and units of local government in developing and implementing residential substance abuse treatment programs within State and local correctional and detention facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

State Prison Drug Treatment Program:	
1997 Appropriation	Amount
1998 Base	\$30,000
1998 Request	30,000
	62,000
	+ 33,000
	Increase/Decrease

BASE PROGRAM DESCRIPTION: This program is authorized by section 32101 of Title II of the VCCLEA and provides formula grants to States, for use by States and local governments to develop and implement residential substance abuse treatment programs within State and local correctional and detention facilities in which inmates are incarcerated for sufficient time to permit substance abuse treatment. States are required to give preference to projects which provide aftercare services, which coordinate the correctional facility treatment program with other human services and rehabilitation programs, such as educational and job training programs, parole supervision programs, halfway house programs, and participation in self-help and peer group programs, that may aid in rehabilitation of individuals in the substance abuse treatment programs. States must also agree to implement or continue to require urinalysis and/or other proven reliable forms of drug and alcohol testing of individuals assigned to residential substance abuse treatment programs in correctional facilities.

Studies and statistics referenced in the 1995 National Drug Control Strategy show that "the fastest and most cost-effective way to reduce the demand for illicit drugs is to treat chronic, hardcore drug users. They consume the most drugs, commit the most crimes, and burden the health care system to the greatest extent. Without treatment, chronic hardcore users continue to use drugs and engage in criminal activity...." Recent research and evaluations show consistent reductions in recidivism rates for offenders completing treatment programs. Successful outcomes are tied to length of time in treatment (at least 6 months) and provision of continued treatment in the community after release. Programs that address the myriad problems associated with the lifestyle of drug use and addiction are the most effective. If the requested resources are used to implement such programs, approximately 15,000 of the offenders can be expected not to be reincarcerated for another crime. Research shows that if these resources are focused on high rate addict-felons, these successful offenders can be expected to commit approximately 375,000 fewer robberies, 637,000 fewer burglaries and engage in approximately 30 million fewer drug transactions per year after release from the program than if they had not been treated and continued their life of crime. In 1996, awards were made to all eligible States, except Wyoming, which did not apply, territories and the District of Columbia. The 1997 applications are due by January 31, 1997, and awards are expected to be made within 30 days.

PROGRAM CHANGE: The 1998 budget request of \$63 million equals the total amount authorized for this program under the VCCLEA and is \$33 million above the 1997 appropriation. It is conservatively estimated that at least 70 percent of the 1.4 million inmates in State prisons and local jails use drugs. Yet, only about 11 percent of prison inmates, and a smaller percentage of jail inmates, participate

in drug treatment programs. Assuming an average cost of \$2,750 for an average stay in the program of nine months (programs are statutorily required to be 6-12 months in length), approximately 22,000 inmates could be treated in 1998.

COURT APPOINTED SPECIAL ADVOCATES

MISSION: To provide for a Court Appointed Special Advocate (CASA) to every victim of child abuse or neglect in the U.S. that needs such an advocate.

GENERAL GOALS:

1. Provide technical assistance, information, and support to Court Appointed Special Advocate (CASA) programs, as well as information and assistance to communities developing new programs, and provide support to existing and developing State organizations on issues such as the development of goals and objectives, State legislation, and State standards to strengthen local programs.
2. Promote and enhance effective, well-managed programs providing volunteer representation of children, by frequently reviewing, updating, and revising National Court Appointed Special Advocate Association Program Standards and Recommended Management Practices; to assure that CASAGAL (Guardian Ad-Litem) programs have available the best, most current information on excellence in CASA programs in order to develop tools for use in assessing program quality; and to maintain a resource library for program reference.

Court Appointed Special Advocates:	
1997 Appropriation	Amount
1998 Base	\$ 6,000
1998 Request	6,000
<i>Increase/Decrease</i>	7,000
	+1,000

BASE PROGRAM DESCRIPTION: The National Court Appointed Special Advocate program is authorized by Section 215 of the Victims of Child Abuse Act of 1992, 42 U.S.C. 13011, and Section 261(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5663. The program is administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Beginning in 1996, the CASA program was funded under the Violent Crime Reduction Programs appropriation. This project recognizes the need for technical assistance in program development and public relations, so that CASA programs can effectively complement the services provided to children and their families through the existing juvenile court and social service delivery systems. To advance the

program services/growth objectives of this project, the National Court Appointed Special Advocate Association (NCASAA) provides ongoing direct consultation and referral to CASA programs and other resources. A "1-800" telephone line successfully facilitates technical assistance and personal consultation between program members and national professional staff. NCASAA continues to encourage the development of unified, strong organizations at the State level for the purpose of support for new programs, communication among existing programs, training, development of standards for program quality and consistency, and advocacy with their State legislatures.

Since 1977, the number of CASA programs has increased from 1 to over 640 in 1996. The 1997 award will lead to further growth of the nationwide CASA Program. Training and technical assistance provided by the OJJDP award ensures that additional CASA volunteers will be available to serve more children, families and court systems.

PROGRAM CHANGE: The request of \$7 million represents the total 1998 amount authorized under section 218(a) of the Victims of Child Abuse Act of 1990, as amended by the 1994 Crime Act. It is \$1 million over the 1997 appropriation and allows for modest program expansion.

CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS

MISSION: To develop, refine and implement model training and technical assistance programs to improve the juvenile and family courts' handling of abuse and neglect cases and the design of model programs to improve State court systems.

GENERAL GOALS: Develop resource guidelines for the juvenile and family courts' handling of abuse and neglect cases and a comprehensive training curriculum designed to improve the judicial system's handling of abuse and neglect cases and to develop a technical assistance package that will allow for the transfer of preferred practice and resource guidelines to other juvenile court jurisdictions to improve the effectiveness of processing child abuse and neglect cases.

Training for Judicial Personnel:	
1997 Appropriation	Amount
1998 Base	\$ 1,000
1998 Request	1,000
<i>Increase/ Decrease</i>	2,000
	+ 1,000

BASE PROGRAM DESCRIPTION: The Judicial Child Abuse Training program is authorized by Section 223(a) of the Victims of Child Abuse Act of 1990, P.L. 101-647, as amended and is administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). This program provides for a grant to the National Council of Juvenile and Family Court Judges to develop model technical

assistance and training programs to improve the court system's handling of child abuse and neglect cases. In 1996, this program was appropriated \$750,000 under the Violent Crime Reduction Programs appropriation; in 1997, \$1 million is available. Under this program, the Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, a comprehensive set of elements essential to properly conduct hearings, will be disseminated to the Nation's juvenile and family courts to help them in their efforts to offset a fundamental lack of resources and other institutional barriers to conducting careful and complete hearings and issuing subsequent court determinations. Resource Guidelines address the who, what, why, when, and how of each court proceeding and will describe what each hearing should cover, who should be present, and how much time should be allowed for the hearing. The guidelines include recommendations applicable to all courts, followed by specific standards applicable to urban courts and specific standards applicable to rural courts. The Resource Guidelines also include practical suggestions on how to improve efficiency, streamline court proceedings, and marshal additional resources. Training in these matters will continue to be provided to judges and other professionals involved in decision-making regarding abused and neglected children. Critical training units will be identified and core curricula will be devised for application to interdisciplinary assistance to the 9 model courts will be provided to help with court administrative reform efforts. Included in this technology transfer effort will be means to measure a court's performance in improving practice.

PROGRAM CHANGE: The request for \$2 million represents the total 1998 amount authorized for the program in 1998 under section 224 (a) of the Victims of Child Abuse Act of 1990, as amended by the 1994 Crime Act. The \$1 million increase over the 1997 appropriation will allow for modest program expansion.

GRANTS FOR CLOSED-CIRCUIT TELEVISION OF TESTIMONY

MISSION: To reduce the trauma related to testifying at a hearing and/or trial by children who are victims of abuse.

GENERAL GOALS:

1. Encourage States to pass laws which encourage the use of closed-circuit televising and video taping of testimony of children in criminal proceedings for the violation of laws relating to child abuse.
2. Assist courts in establishing procedures and programs for televised testimony in cases where the judge determines that a child witness will be traumatized by the presence of the defendant.

Televised Testimony:	
1997 Appropriation	Amount
1998 Base	\$ 550
1998 Request	550
<i>Increase/Decrease</i>	<u>1,000</u>
	<i>+ 450</i>

BASE PROGRAM DESCRIPTION: The Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1990, created Part N--Grants for Closed-Circuit Televising of Testimony of Children Who are Victims of Abuse. The Director of the Bureau of Justice Assistance (BJA) is authorized to make grants to provide equipment and personnel training for the closed circuit televising and video taping of the testimony of children in criminal proceedings for the violation of laws relating to the abuse of children.

This program was originally established as a formula grant program, with each participating State receiving a base award of \$50,000; the remaining balance was distributed to participating States on the basis of population. Funding was appropriated for the first and only time in 1992. In 1993, awards totaling the \$1 million 1992 appropriation were made to 26 States. This funding was insufficient and failed to cover the base award amount for participating States. Therefore, each participating State received a smaller award of \$38,462 as seed money to encourage the use of closed-circuit televised testimony from child abuse victims in State and local courts. Awards were made only to States which had laws permitting the use of closed-circuit or videotaped testimony from child witnesses in criminal child abuse proceedings. To date, results have been limited in many of the States which received awards because of the very small amounts of funds available to each State under this Formula Grant Program. Some States developed training programs and worked with local prosecutors or court personnel to develop training initiatives. Additionally, States used this funding primarily to purchase equipment and to develop and provide training to prosecutors and court personnel. For example, Wisconsin reported that this initiative resulted in the development of 9 multi-disciplinary investigative teams and the training of over 50 individuals from 14 agencies in the techniques for developing and maintaining effective teams and the effective use of closed circuit/videotape technology in the jurisdictions to implement or expand their program.

Section 40156 of the 1994 Crime Act modified this program, converting it from a formula grant program to a discretionary grant program.

PROGRAM CHANGE: In 1998, the total authorized amount of \$1 million is requested for discretionary grants for televised testimony as authorized by section 1001(a)(7) of the 1968 Act, as amended. The \$450,000 increase over the 1997 appropriation will enhance and expand existing programs and/or to fund new projects. The effectiveness of these projects will be assessed, successes documented, and findings shared with other jurisdictions.

VIOLENT YOUTH COURT PROGRAM

MISSION: To develop initiatives for use by the courts and court-related entities, such as probation and parole offices and victim/witness centers, to enhance and expedite the handling of youth violence cases.

GENERAL GOAL: Provide financial and technical assistance to the courts and court-related entities to develop and implement programs that focus on violent youth offenders within the court system. This will include the development of juvenile drug and/or gun courts.

Violent Youth Court Program:	
1997 Appropriation	Amount
1998 Base	\$ 0
1998 Request	0
<i>Increase/ Decrease</i>	\$0,000
	+50,000

BASE PROGRAM DESCRIPTION: Section 210602 of the VCCLCA authorizes this program, which will provide funding for specialized, court based activities focusing on how to more effectively address serious and violent youth offenders as they move through the justice system. New innovations, such as juvenile drug and juvenile gun courts, will be included in this program.

PROGRAM CHANGE: The 1998 request for this new program is \$50 million.

ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH

MISSION: To provide funds for the development and operation of residential services (boarding schools) for at-risk youth.

GENERAL GOALS: Provide funds to public and private non-profit organizations to support the development and operation of projects that provide residential services to youth between the ages of 11 and 19 who have dropped out of school, had contact with the juvenile justice system, or are at risk for doing either or both.

Assistance for Delinquent and At-risk Youth	
1997 Appropriation	Amount
1998 Base	\$ 0
1998 Request	8,000
<i>Increase/ Decrease</i>	+8,000

BASE PROGRAM DESCRIPTION: This program, authorized by section 30701 of the VCCEA, provides funding for public and private non-profit agencies providing residential services to at-risk youth. To qualify for funding, residential programs must be designed to improve the academic performance, vocational skills, self-esteem and responsible decision making abilities of the youth they serve.

In addition, applicants must explain how their programs will meet applicable State and local safety requirements for facilities and provide academic instruction in accordance with State, Indian tribal government, or local educational standards as well as explain specific measurable outcomes for the youth to be served and an analysis of how the program will prevent delinquency.

PROGRAM CHANGE: The 1998 request for \$8 million will allow implementation of this program, which will focus on prevention of future criminal activity by juveniles.

MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM

MISSION: To establish a national Missing Alzheimer's Disease Patient Alert Program to protect and locate missing patients with Alzheimer's disease and related dementias.

GENERAL GOALS: Award a grant to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementia, to assist in paying for the costs of planning, designing, establishing and operating a national Missing Alzheimer's Disease patient Alert Program.

Missing Alzheimer Patients:	Amount
1997 Appropriation	\$ 900
1998 Base	900
1998 Request	<u>900</u>
<i>Increase/ Decrease</i>	<i>0</i>

BASE PROGRAM DESCRIPTION: This program, authorized by section 240001 of the VCCEA, provides grants to address materials development, outreach, and training of local law enforcement, public safety, and emergency health personnel in identifying and handling lost Alzheimer's patients.

As of December 1996, this program had 24,558 registrants. Of those individuals registered, who were reported missing, approximately 96.7% were recovered. The SAFE RETURN Hotline functions every day of the year, 24 hours a day. During one quarter in 1996, AT&T reported that the Hotline received a total of 2,028 calls (an average of 26 calls a day).

PROGRAM CHANGE: The 1998 request for \$900,000 equals the 1997 appropriation.

DNA IDENTIFICATION - STATE GRANTS

MISSION: To improve the quality and availability of DNA Analysis for law enforcement identification purposes.

GENERAL GOALS:

1. Develop or establish forensic DNA testing capabilities in State and local forensic laboratories which do not currently conduct DNA testing.
2. Improve or expand forensic DNA testing in State and local forensic laboratories already conducting DNA testing.
3. Insure that DNA testing meets national standards for DNA quality assurance and proficiency testing.
4. Facilitate implementation of State laws requiring establishment of State databases of DNA records of convicted offenders (as defined by State law).
5. Foster cooperation and mutual assistance among forensic DNA laboratories within and between States that are seeking to match and exchange DNA identification records for law enforcement purposes via the FBI's combined DNA Index System (CODIS). The CODIS database is designed to allow quick searches at the State, region, and national levels. Establishment of State databases are not only complementary, but essential to fully implement CODIS.
6. Provide the greatest overall improvement to the nation's forensic DNA testing capabilities recognizing current and projected requirements for DNA testing, and current technology and foreseeable trends.

DNA Identification Grants:	Amount
1997 Appropriation	\$ 3,000
1998 Base	3,000
1998 Request	15,000
<i>Increase/ Decrease</i>	<i>+ 12,000</i>

BASE PROGRAM DESCRIPTION: The Forensic DNA Laboratory Program is authorized by section 210301 of the VCCLEA. The Attorney General assigned responsibility for carrying out the DNA Identification Grants requirements of the Act to the National Institute of Justice (NIJ). The purpose of this program is to increase, to the greatest extent possible, both the capabilities and capacity of State and local forensic laboratories in the United States to conduct state-of-the-art-DNA testing to support investigation and prosecution of violent crime.

This program allows access by State and local law enforcement agencies to advanced DNA testing technologies that are both accurate and economical in identifying and developing strong cases against suspects. In addition, these funds will help to develop and establish forensic DNA testing capabilities in States and local forensic labs that currently do not conduct DNA testing. Together, these initiatives serve the Federal, State and local criminal justice systems by providing state-of-the-art technologies to combat crime.

In 1996, NIJ was appropriated \$1 million for this program. The FBI also made \$8 million available to NIJ for this purpose. In consultation with the FBI/NIJ DNA Working Group, NIJ issued a \$9 million program solicitation. Of the 45 applications received, NIJ awarded a total of 37 grants, including a grant to address the development of a blind test protocol for DNA laboratories.

Although NIJ has \$3 million available for this program in 1997, FBI funds are not available. The 1997 DNA Laboratory Program solicitation was issued in September 1996 and 62 applications were received by the December 20 deadline. As a result of NIJ's reduced DNA program funding, available resources can only provide awards to one-third of the laboratories and award amounts are estimated to represent less than 10% of the amounts requested.

PROGRAM CHANGE: The request for \$15 million is \$12 million above the 1997 appropriation. These additional funds are needed to provide a useful level of funding to States to achieve comparable, state-of-the-art DNA capabilities that not only enhance their immediate law enforcement efforts, but allow them to use the FBI's National CODIS, when it is on-line.

TUBERCULOSIS TREATMENT IN CORRECTIONAL INSTITUTIONS

MISSION: To assist in establishing and operating programs for the prevention, diagnosis, treatment and follow-up care of tuberculosis among inmates of correctional institutions.

GENERAL GOALS: Make grants to State, Indian tribal and local correction authorities and public health authorities, for up to 50 percent of the total cost, to assist in establishing and operating programs for the prevention, diagnosis, treatment and follow-up care of tuberculosis among inmates of correctional institutions.

TB Treatment in Correctional Facilities:

	Amount
1997 Appropriation	\$ 0
1998 Base	0
1998 Request	1,000
<i>Increase/Decrease</i>	<i>+1,000</i>

BASE PROGRAM DESCRIPTION: This program, authorized by Section 32201 of the VCCLCA, authorizes the Attorney General to make grants to State, Indian tribal and local correction authorities and public health authorities, for up to 50 percent of the total cost, to assist in establishing and operating programs for the prevention, diagnosis, treatment and follow-up care of tuberculosis among inmates of correctional institutions.

In 1996, \$200,000 was made available for this program. The Corrections Program Office and BJA are currently working with health care foundations to leverage additional funds to award planning grants to State and local corrections and public health agencies.

PROGRAM CHANGE: The 1998 request of \$1 million represents the total amount authorized for this program under section 32201 (3) of the VCCLCA.

LAW ENFORCEMENT FAMILY SUPPORT PROGRAM

MISSION: To assist federal, State, and local law enforcement agencies in developing and implementing policies and programs to reduce stress and provide appropriate support services for law enforcement officers and their families through research, training, technical assistance, and financial support.

GENERAL GOALS:

1. Establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions of the Department of Justice.
2. Study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to federal, State, and local law enforcement agencies, related organizations, and other interested parties.
3. Identify and evaluate model programs that provide support services to law enforcement personnel and families.

4. Provide technical assistance and training programs related to stress reduction and family support to State and local law enforcement agencies.
5. Collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State and local law enforcement agencies, law enforcement organizations, and other interested entities.
6. Determine issues to be researched by the Department of Justice.
7. Administer the authorized grant program to support provision of one or more of the following services: counseling for law enforcement family members, child care on a 24-hour basis, marital and adolescent support groups, stress reduction programs, and stress education for law enforcement recruits and their families.

Law Enforcement Family Support	Amount
1997 Appropriation	\$ 1,000
1998 Base	1,000
1998 Request	2,205
<i>Increase/ Decrease</i>	<i>+ 1,205</i>

BASE PROGRAM DESCRIPTION: Section 210210 of the VCCEA authorizes the Law Enforcement Family Support Program and directs the Attorney General to (1) establish and implement family friendly policies within law enforcement related offices of the Department of Justice and (2) support research, program development, and evaluation; training, technical assistance, and support programs; and information dissemination concerning family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies and related organizations. In 1995, responsibility for developing a guide for research and program development was assigned by the Associate Attorney General to NJ. In response, using its own funds, NJ commissioned a review and analysis of State and local assistance, stress reduction and support services available to law enforcement officers and their families. With respect to DOJ policies, NJ contacted and met with representatives of Office of Information Policy and Justice Management Division; those two Offices are coordinating the Department policy planning.

During 1996 the commissioned report was completed for publication. When 1996 appropriations became available, a solicitation was developed and issued, calling for proposals to be submitted by August 6, 1996, so that grants could be awarded by September 30, 1996.

The Crime Act authorized \$2.5 million in 1996 for a State and local grant program with a 10% set-aside for research. The 1996 appropriation provided \$1 million; of this sum, \$900,000 supported the State and local grant program and \$100,000 was allocated for research. The law specifies that grants may be made to State and local law enforcement agencies or to organizations representing State or local law enforcement personnel; given the funding level, the focus is on demonstration and training/technical assistance efforts in order to reach the greatest number of agencies. The legislation limits awards to law enforcement agencies to \$100,000/year and awards to organizations representing law enforcement personnel to \$250,000/year. The 1996 program priorities included:

- Training and technical assistance workshops to help agencies with established programs for officers expand services to law enforcement family members.
- Coordinating training workshops supported under this program with established law enforcement training academies to facilitate institutionalization of training in this topic area.
- Selected demonstrations to expand existing programs and support one or more of the services listed in Section 2303 of the Act. In 1996, proposals for research were sought in a special section of the NJ Police Research and Evaluation Solicitation. Eight demonstration programs and one evaluation project were supported with available funds.

In 1997, \$1 million, with a 10% set aside for research, is available. The program priority will build on the 1996 demonstration of different service delivery models -- e.g., in-house programs, regional service and referral networks, contracted services, etc. Efforts will continue to link these program innovators with NJ's Locally Initiated Research Partnerships program. Program funds will support continued training and technical assistance, with an emphasis on training trainers and program managers to extend the impact of the funds. Training content will focus on the law enforcement family and the development and operation of service networks for smaller agencies. A dual research focus, to be supported by \$100,000 is planned: 1) evaluation for stress reduction programs, and 2) the initiation of rigorous research on the nature and extent of spousal or family violence in law enforcement families, with the long range goal of developing appropriate interventions. A more informed understanding of the issue of violence within law enforcement families is essential for the health of both our law enforcement families and the broader community.

PROGRAM CHANGE: The 1998 request for \$2.2 million is \$1.2 above the 1997 appropriation and provides funds for continuing and expanding the 1997 program.

MOTOR VEHICLE THEFT PREVENTION

MISSION: To reduce auto thefts committed primarily by professional auto thieves.

GENERAL GOALS: Create a cooperative partnership between car owners and State and local law enforcement to reduce car theft committed primarily by professional auto thieves and to facilitate the recovery of stolen vehicles.

Motor Vehicle Theft Prevention:	
1997 Appropriation	Amount
1998 Base	\$ 750
1998 Request	750
	1,000
	+ 250
	<i>Increase/Decrease</i>

BASE PROGRAM DESCRIPTION: Title XXII, Motor Vehicle Theft Prevention, section 220002 of the VCCLEA (Public Law 103-322) requires the Attorney General to develop a national, voluntary motor vehicle theft prevention program whereby participating vehicle owners would affix a highly visible decal or customized license plate to their vehicle(s) which authorize State and local law enforcement officers to stop the vehicles without probable cause and verify the identity of the driver. Under the program, police may stop or check a vehicle that is being operated under abnormal circumstances on behalf of the owner as indicated by the decal. Examples for which police might stop a vehicle include, but are not limited to: driving late at night or driving or transporting a vehicle across an international land border or into a port. The Bureau of Justice Assistance (BJA) administers this program.

During 1996, BJA made awards to the States of Arizona, New Mexico, and Texas under its new Motor Vehicle Theft Prevention Program "Watch Your Car." Arizona and New Mexico are initiating new programs while Texas is converting its existing Help End Auto Theft (HEAT) program to "Watch Your Car." The Federal Register's publication of the final rule in August 1996, prompted numerous national newswriters and publications to publicize this Program which, in turn, created numerous telephone inquiries from State and local police departments, automobile insurance underwriters, and automobile dealers nationwide all of whom expressed significant interest in participating in this Program.

The 1997 request for proposals for this competitive discretionary grant program will be published and available by February 1997. With this Program's current appropriation of \$750,000, BJA will tentatively make 4 new start-up grants and 3 conversion grants of existing statewide programs. In addition, BJA will host a national motor vehicle theft prevention conference during Spring 1997.

PROGRAM CHANGE: The 1998 request of \$1 million represents an increase of \$250,000 over the 1997 appropriations. This funding increase will provide funds for the continuation and/or expansion of current program activities.

TELEMARKETING FRAUD AGAINST SENIOR CITIZENS

MISSION: To reduce the incidence of scams perpetrated against senior citizens

GENERAL GOALS: Make grants to States, to State and local law enforcement agencies and senior citizen advocacy organizations aimed at decreasing the incidence of fraud perpetrated against senior citizens

Enhanced Penalties for Telemarketing Fraud:	
1997 Appropriation	Amount
1998 Base	\$ 2,000
1998 Request	2,000
<i>Increase/ Decrease</i>	<i>0</i>

BASE PROGRAM DESCRIPTION: This program, authorized by Section 250005 of the VCCLEA, provides grant funding for State and local law enforcement agencies and senior citizen advocacy organizations for public awareness and prevention initiatives, such as seminars and training targeted at fraud against senior citizens.

In 1997, the Bureau of Justice Assistance (BJA) anticipates that the National White Collar Crime Center will address the following major challenges to the investigative efforts of State and local agencies in addressing telemarketing fraud:

1. Establishment of a working group to begin the task of assessing current and future problems, identifying and sharing potential solutions, and filling the voids in support services to State and local agencies and task forces
2. Development of strategies for improving the complaint management process, including methods of improving information sharing and data collection among all State agencies dealing with telemarketing fraud
3. Examination and recommendation of solutions to the problems exacerbated by the use of the Internet to promote telemarketing scams, including solutions dealing with Internet technology and jurisdictional issues of the "virtual marketplace."

PROGRAM CHANGE: The request of \$2 million represents the total amount authorized for this program in 1998 and is the same as the 1997 appropriation.

**PRESIDENTIAL SUMMIT ON VIOLENCE
AND NATIONAL COMMISSION ON CRIME PREVENTION AND CONTROL**

MISSION: To develop a proposal for preventing and controlling violence and crime in the United States and to estimate the costs for implementing such a proposal.

GENERAL GOALS: Convene the Presidential Summit and to establish the Commission with the goal of providing a proposal for preventing and controlling violence and crime in the United States and to estimate the costs for implementing such a proposal.

Presidential Summit:	Amount
1997 Appropriation	\$ 0
1998 Base	0
1998 Request	-500
Increase/ Decrease	+500

BASE PROGRAM DESCRIPTION: These two initiatives are authorized in 1996 by Sections 270001 through 270009 of the VCCLEA. The Summit will be convened to create an agenda for the Commission. Once established, the Commission will develop a proposal for preventing and controlling violence and crime in the U.S. and estimate the costs for implementing such a proposal. These initiatives are organized and administered by the Office of Policy Development.

PROGRAM CHANGE: Funds were not provided in 1996 or 1997, therefore 1998 funds are requested.

Office of Justice Programs
Violent Crime Reduction Program
Government Performance and Results Act
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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program									
MISSION: To assist states and units of local government in carrying out specific programs that offer a high probability of improving the functioning of the criminal justice system, with special emphasis on nationwide and multi-level drug control strategies and violent crime prevention.									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	1995 Actual	1996		1997		1998		
			Target	Actual	Target	Actual	Target	Actual	Target
Input	1. Appropriation 2. Number of applications received 3. Number of requests for technical assistance received	\$4,504 56 N/A	\$475M 56 128	\$475M* 92 140	\$500M*** 225		\$503M**** 225		
Output/Activity	4. Number of applications reviewed 5. Number of awards made	56 113	56 108	92 144	56 108	56 108	56 109		
Intermediate Outcomes	6. Number of State Administrative Agency (SAA) Personnel trained on administrative requirements/issues, program development and evaluation 7. Number of SAA personnel provided with BJA funded training at annual conferences, workshops, etc. related to criminal justice issues 8. Number of technical assistance responses to requests from SAAs 9. Number of practitioners requested technical assistance provided 10. Number of on-site monitoring visits to States 11. Number of States in compliance with HIV mandates 12. Number of States with approved criminal justice record improvement plans 13. Number of States with approved phase I plans for reporting alien convictions to INS 14. Number of States with approved phase II plans for reporting alien convictions to INS 15. Number of States with formal evaluation programs in place 16. Number of relevant evaluation reports submitted 17. Number of new program briefs submitted to BJA	184 175 88 20 27 52 50 53 46 56 120 230	164 224 108 20 35 56 56 54 46 56 190 280	60** 200 90 40 53 52 52 54 46 56 123 168	164 224 200 168 35 56 56 54 54 56 150 280		164 224 200 168 35 56 56 54 54 56 150 280		
End Outcome	18. Number of States that implemented programs to address National Priorities: - Community Based Programs - Crime and Violence Prevention - Alternative Disposition Approaches - Intergovernmental Coordination Initiatives 19. Number of students receiving DARE or other prevention training 20. Number of multi-jurisdictional task forces 21. Number of drug arrests made 22. Seized currency from Byrne formula-funded law enforcement & prosecution operations 23. Number of States in compliance with Criminal Justice Records Improvement Program goals	39 56 30 56 28,000 795 100,000 \$57,622 0	56 56 30 56 30,000 800 90,000 \$60,000 2	56 56 30 56 30,000 775 90,000 \$60,000 0	56 56 30,000 750 90,000 \$63,000 10	56 56 30,000 750 90,000 \$63,000 10	56 56 30,000 700 90,000 \$65,000 15		

Productivity/ Efficiency	24. Number of State applications approved by BJA within the 45 day review period	25. Proportion of funds awarded by States within: - First year after award - Second year after award - Third year after award	26. Number of State awards extended by BJA						
					36	56	92	56	56
					50	50	50	50	50
					80	80	80	80	80
					99	100	100	99	99
					50	40	45	40	40

A. Definitions of Terms or Explanations for Indicators:
<p>F5 Beginning in 1994, States in compliance with HIV requirements receive supplemental awards (funded with dollars not distributed to States who did not comply with HIV requirements). No additional application is necessary.</p> <p>F6 Includes projects co-sponsored by U.S. Attorney.</p> <p>F13,14 CNMI and American Samoa are exempt from the INS requirement.</p> <p>F20 Multi jurisdictional task forces should be generating fewer arrests over time due to the re-focusing of these programs on higher-level offenders, as well as the specialized injury care of many of the newer efforts.</p> <p>F23 The purpose of the Criminal Justice Records Improvement (CJRI) Program is to move States to the goals listed, the underlying premise being that no State's records could meet the tests of currency, accuracy, and completeness at the 95% rate until after 1998.</p>
B. Factors Affecting 1996 Program Performance.
<p>F In 1996, this program received funds from two sources. The actual amount appropriated reflects total funding available: \$328M appropriated under the State and Local Law Enforcement Assistance account, plus \$141M appropriated under the Violent Crime Reduction Programs account.</p> <p>F1 Rescheduling of two regional meetings resulted in smaller numbers than anticipated.</p> <p>F2, 4, 5 Larger number of applications and awards was due to budget impasse; partial awards were made to some states prior to final appropriation.</p> <p>F19, 20, 22 These outcome indicators are not aggregated at the national level; numbers are estimates based on reports submitted by state grantee agencies.</p>
C. Factors Affecting Selection of 1997 and 1998 Targets.
<p>F19 In 1997 this program received funds from two sources. The target amount appropriated reflects total funding available: \$301M appropriated under the State and Local Law Enforcement Assistance account, plus \$199M appropriated under the Violent Crime Reduction Programs account.</p> <p>F20 In 1998, it is proposed that the entire \$505M request be provided for under the Violent Crime Reduction Program account.</p> <p>F21 Increasing measures by States utilizing CJRI set-aside and other State and Federal funds for criminal history records improvement should rapidly increase the number of States in compliance with both CJRI goals and INS phase II compliance. As more States project realistic dates for meeting CJRI goals expressed in the legislation, BJA will initiate more detailed performance indicators.</p> <p>F22 Legal and policy interpretations concerning program requirements and changes in National priorities may lead to expansion or contraction of the end outcome indicators used. In addition, future factors should emerge.</p>

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Edward Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grant Program									
MISSION: To make awards to public and private agencies and organizations for national scope and multi-state programs, demonstration programs, training, and technical assistance to state, local, and federal jurisdictions in improving the functioning of the criminal justice system with special emphasis on nationwide and multi-level drug control strategies.									
PERFORMANCE INDICATOR INFORMATION				PERFORMANCE TARGETS & ACTUAL RESULTS					
Type of Indicator	Performance Indicators	1995		1996		1997		1998	
		Actual	Target	Actual	Target	Actual	Target	Actual	Target
Input	1. Appropriation	\$50M	400	\$60M	250	\$60M	300	\$75M	425
	2. Number of applications received								
	3. Number of applications reviewed	400	250	230	230	300	300	425	425
	4. Number of peer panels conducted	7	10	5*	20	20	20	20	20
	5. Number of awards made	175	125	150	150	150	150	175	175
Intermediate Outcome	6. Number of monitoring site visits made	110	100	120	120	90	90	110	110
	7. Number of charter conferences held	10	10	12	12	10	10	10	10
	8. Number of practitioners benefiting from BJA-sponsored training events	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000
	9. Number of practitioners requesting training curricula developed	5	7	10	10	10	10	10	10
	10. Number of jurisdictions benefiting from technical assistance	500	500	500	500	500	500	500	500
End Outcome	11. Number of promising program models/prototypes developed	9	8	10	10	15	15	15	15
	12. Number of successful formula grant projects funded to replicate discretionary grant programs	1,000	1,200	1,300	1,300	1,500	1,500	1,500	1,500
Predictability/Efficiency	13. Average staff hours per grant award	60	40	35	35	20	20	20	20
	14. Average number of grants per program manager	25	30	30	30	30	30	30	30
	15. Average number of staff hours per grant devoted to monitoring	30	50	50	50	60	60	60	60
A. Definitions of Terms or Explanations for Indicators: N/A									
B. Factors Affecting 1996 Program Performance:									
<ul style="list-style-type: none"> Congressional earmarks reduced the number of competitive programs to last year reviews were required. End outcome for the Discretionary Grant Program, such as program models of training curricula, may take several years to develop. Therefore, the number per year will vary. The number of practitioners will vary from year to year depending on the funds allocated for training and the type of training conducted. 									

C. Factors Affecting Selection of 1997 and 1998 Targets.	
o	The number of applications received and the number of awards are expected to increase in 1997 and 1998 because of a new BJA policy which will provide a decreasing Federal share for continuation awards.
o	The average number of staff hours per grant award is expected to decrease and the average number of staff hours devoted to monitoring is expected to increase as BJA automates the grant award process, enabling staff resources to be devoted to program monitoring and technical assistance.
o	End outcomes for the Discretionary Grant Program such as program models or training curricula may take several years to develop. Therefore, the number per year will vary.
o	The number of practitioners trained will vary from year to year depending on the funds allocated from training and the type of training conducted.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Local Law Enforcement Block Grants									
MISSION: To make funds available to units of local governments for the purpose of reducing crime and improving public safety.									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	PERFORMANCE TARGETS & ACTUAL RESULTS		
Input	1. Appropriations 2. Number of applications received	\$0 N/A	\$503M 3,200	\$503M 3,200	\$573M 3,300	\$0			
Output/Activity	3. Number of applications reviewed 4. Number of awards made 5. Number of units of local governments receiving payments 6. Number of states receiving payments	N/A N/A N/A N/A	3,200 3,200 3,200 55	2,750 2,750 2,750 54	3,300 3,300 3,300 54	0 0 0 0			
Intermediate Outcome	7. Number of monitoring site visits made 8. Number of multi-jurisdictional task forces established	N/A N/A	N/A N/A	N/A N/A	300 TBD	0 0			
End Outcome	9. Number of additional law enforcement officers employed 10. Number of additional support personnel employed 11. Number of additional hours of overtime worked by support personnel 12. Number of additional hours of overtime worked by law enforcement personnel 13. Dollar value of additional equipment, technology, and other material directly related to basic law enforcement functions 14. Number of schools receiving enhanced security measures 15. Number of non-school facilities and locations receiving enhanced security measures 16. Number of Drug Courts established/implemented 17. Number of police/community crime prevention programs established/implemented	N/A N/A N/A N/A N/A N/A N/A N/A	• • • • • • • •	• • • • • • • •	TBD TBD TBD TBD TBD TBD TBD TBD	N/A N/A N/A N/A N/A N/A N/A N/A			
Productivity/Efficiency	18. Average staff hours per grant award 19. Average number of grants per program manager 20. Average number of staff hours per grant devoted to monitoring	N/A N/A N/A	TBD TBD TBD	6 hours 275 •••	12 hours 200 9 hours	N/A N/A N/A			

3

A. Definitions of Terms or Explanations for Indicators: N/A
B. Factors Affecting 1996 Program Performance.
<p>Because this program was new in 1996. To date, no real program experience is yet available.</p> <ul style="list-style-type: none"> * End outcomes reflect local decision making process which is still underway ** Actual figures will be provided by grantees semi-annually, starting in 1997. *** This information is not yet available. Because 1996 appropriations were not available until April, grants were not awarded until 09/30/96, and no monitoring activities took place.
C. Factors Affecting Selection of 1997 and 1998 Targets
While no funds were requested by the Department, Congress provided \$23 million in 1997. No continuation funding is requested in 1998.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Criminal Records Upgrade Program						
MISSION: To enhance the quality, completeness, and accessibility of the nation's criminal history record system						
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND RESULTS				
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
Input	1. Appropriations	\$100M	\$25M	\$25M	\$50M	\$45M
Output/Activity	2. Intergovernmental coordination conferences to provide training and Federal/state interface regarding development of the national criminal history record system	1	2	2	2	2
	3. National status reviews completed and results published	1	1	1	2	2
	4. Technical assistance provided: - seminars/workshops - on-site visits	1	2	2	2	7
	5. Surveys conducted to identify the procedures states use in implementing the Brady Act	3	8	10	10	10
	6. Awards made to assist states	N/A	40	50	50	50
	7. Monitoring activities conducted	50	30	49	50	50
	8. Reports on the impact of prelate background check implementation	N/A	30	30	40	40
	9. Number of states in Interstate Identification Index (III)	N/A	1	1	1	1
End Outcome	10. % of states using automated fingerprint technology	30	35	31	40	44
	11. % of recent state records which are automated	N/A	60%	60%	80%	90%
	12. Number of States that have initiated audit programs	75%	80%	80%	85%	88%
	13. % of records available through the national check system	N/A	N/A	26	32	36
		N/A	N/A	33%	35%	38%
A. Definitions of Terms or Explanations for Indicators: The Interstate Identification Index (III) allows states access to other states' criminal history record system.						
B. Factors Affecting 1996 Program Performance: National Criminal History Improvement Program: In 1995, 44 states were awarded NCHIP grants under this program. As of March 1996, all 50 states and the District of Columbia have received NCHIP grants. During the fiscal year, based on an examination of technical assistance needs, it was determined that technical assistance in the form of on-site visits was more effective than conducting a seminar or workshop in providing direct support to address the specific issues raised by particular states. By 1996, 48 states and the District of Columbia received second year NCHIP funding.						
C. Factors Affecting Selection of 1997 and 1998 Targets: Factors affecting program performance include: (1) amount of Federal funds appropriated; (2) amount of state funds appropriated for these activities; (3) status of available technology; (4) FBI program development; and (5) legislative changes.						

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Violent Offender Incarceration and Truth-In-Sentencing Incentive Grants						
MISSION: To enhance the capability of states to confine violent offenders in secure facilities and ensure that violent offenders remain incarcerated for substantial periods of time through the implementation of truth-in-sentencing laws.						
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
Input	1. Appropriation 2. Number of applications received 3. Number of requests for on-site or host-site technical assistance received from State or local jurisdictions/projects	\$24.5M 91	\$617.5M 56	\$617.5M 56	\$670M 56	\$710.5M 56
Output/ Activity	4. Number of applications reviewed 5. Number of events made 6. Number of technical assistance workshops and national technical assistance conferences for grantees	N/A 91 44 1	N/A 56 56 1	N/A 56 56** 1	40 56 56 3	100 56 56 4
Intermediate Outcomes	7. Number of boot camp beds constructed/resurrected* 8. Number of new prisons, jail or alternative beds under construction 9. Number of new prisons, jail or alternative beds constructed 10. Number of policymakers or practitioners that received technical assistance or training	N/A N/A N/A 220	200 N/A N/A 250	200 N/A N/A 250	900 2,000 500*** 600	N/A 5,000 2,000 600
End Outcomes	11. Average percent of persons convicted of part 1 violent offenses in State courts who were sentenced to prison 12. Number of states that are implementing truth-in-sentencing laws 13. Average percent of total sentences served by part 1 violent offenders 14. Proportion of technical assistance and training recipients who reported in follow up surveys that they implemented changes in policy or practices as a result of the assistance.	N/A N/A N/A N/A	25% 24 55% N/A	*** 24 *** N/A	28% 30 58% 30%	32% 35 63% 35%
Productivity/ Efficiency	15. Workyears required to implement grant program	9 FTE	18.5 FTE	17.5 FTE	17.5 FTE	17.5FTE
A. Definitions of Terms or Explanations for Indicators						
Part 1 Violent Crime: murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the FBI for purposes of the "Uniform Crime Reports."						

<p>B. Factors Affecting 1996 Program Performance:</p> <ul style="list-style-type: none"> * In 1995, funds for this program were discretionary, and limited to boot camp planning, renovation and construction. In 1996, approximately 200 beds were completed. Because a boot camp is a correctional facility, many of the grantees had problems locating a site that was acceptable to the surrounding community. Architectural planning and design, environmental work to comply with National Environmental Protection Act Requirements, and other preconstruction work must be completed before a construction or renovation project can be implemented. Several projects completed these requirements in 1996 and are ready to begin construction in 1997. Most of the boot camp beds are expected to open in 1997. ** Because the 1996 appropriation was not enacted until April 1996, only tier 1 Violent Offender Incarceration grants were awarded in 1996. Awards for tiers 2 and 3 were made during the first quarter of fiscal year 1997. *** Updated data for end outcome measures will be provided as soon as the information becomes available from the Bureau of Justice Statistics. 	<p>C. Factors Affecting Selection of 1997 and 1998 Targets:</p> <ul style="list-style-type: none"> **** Because of the time needed to construct new prison and jail beds, few new beds are expected to be brought on line in 1997. Because many States do not receive sufficient funding to complete a construction project in any one year, States must complete construction projects on an award-by award basis. <p>There is a significant delay in obtaining data for the outcome measures, since the data collection analysis is a time consuming and costly effort. The estimate of the percent of persons convicted of part 1 violent offenses, and who are sentenced to prison, is based on 1992 data provided by the Bureau of Statistics. The estimated increase in the proportion of sentence served cannot be measured until offenders sentenced under new truth-in-sentencing laws have served their sentence and are released. Because this program deals with violent offenders, it may be many years before the results of program implementation can be fully measured.</p> <p>In 1997, the Corrections Program Office will begin to conduct follow up surveys of recipients of site-specific technical assistance as well as participants in the technical assistance conferences and workshops and training. 4-6 months after the event, to assess the number that have changed policies and practices. Because this has not been done in the past, the estimate may need to be adjusted as this procedure is implemented.</p> <p>The performance indicators and target levels are likely to change as the program develops history.</p>
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PERFORMANCE MEASUREMENT TABLE, PRESENTED BY DECISION UNIT

DECISION UNIT: Drug Courts Program									
MISSION To provide financial and technical assistance for state, state courts, units of local government, local courts, and Indian tribal governments to develop and implement treatment drug courts that employ the coercive power of courts to subject non-violent offenders to an integrated mix of treatment, substance abuse testing, incentives, and sanctions to break the cycle of substance abuse and crime.									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1997 Actual	1998 Target	1998 Actual	1999 Target
Input	1. Appropriations 2. Total number of applications received 3. Program specialists to prepare for and monitor grants 4. Policy administrators to guide program effort	\$11.9M 130 4 FTE 2 FTE	\$15M 200 3 FTE 1 FTE	\$15M* 0** 2 FTE 1 FTE	\$20M 200 4 FTE 2 FTE	\$20M 200 4 FTE 2 FTE	\$25M 300 7 FTE 3 FTE	\$25M 300 7 FTE 3 FTE	\$30M 400 9 FTE 4 FTE
Output/Activity	5. Award planning grants, including awards to tribal governments 6. Award implementation grants 7. Award enhancement grants	52 5 7	50 25 20	0 9 7	50 25 20	0 9 7	50 25 20	50 25 20	50 25 20
Intermediate Outcome	8. Provide training sessions for grantees 9. Provide special training sessions for tribal applicants 10. Provide technical support and expertise to grantees 11. Contact and exchange information with other federal agencies *** 12. Percent of training sessions evaluated by grantees as good or excellent 13. Percent of on-site tech. asst. that is evaluated by grantees as good or excellent	4 1 200 5 N/A N/A	6 0 250 8 N/A N/A	6 0 250 8 N/A N/A	10 1 325 6 N/A N/A	10 1 325 6 N/A N/A	10 1 325 6 N/A N/A	10 1 325 6 N/A N/A	10 1 325 6 N/A N/A
End Outcome	14. Establish new drug courts, including tribal drug courts **** 15. Establish cooperative programs with other federal agencies **** 16. Percent of drug court program participants in grantee programs that do not commit other crimes while participating in the program	5 2 N/A	25 4 N/A	25 4 N/A	25 4 N/A	25 4 N/A	25 4 N/A	25 4 N/A	25 4 N/A
Productivity/Proficiency	17. Number of grants per FTE 18. Percent of grants processed within 30 days of notification of appropriation	16 N/A	41 N/A	41 N/A	34 60%	34 60%	34 60%	34 60%	34 60%
A. Definitions of Terms or Explanations for Indicators: N/A									

B. Factors Affecting 1996 Program Performance.	
•	In 1996, this program received \$15M from the Local Law Enforcement Block Grant Program under reprogramming rules.
••	Due to the delay in receiving 1996 funding and fiscal time constraints, DCPD used the surplus of eligible 1995 applications (those which did not receive 1995 funding) and awarded \$3.5 million in grants. The balance of the 1996 funds will be awarded in 1997.
•••	Information exchange is ongoing with Health and Human Services, State Justice Institute, United States Administrative Office of the Courts, the General Accounting Office, the Office of National Drug Control Policy.
••••	The communities where drug courts will be established, as a result of the 1995 grant program, include the five jurisdictions that received implementation grants for non-violent offenders. Most drug court graduations do not occur until 12-18 months after entry into the drug court program. Numbers of offenders in the program depend upon program criteria and treatment capacity. The drug court appropriation was reduced by rescission action and, therefore, the number of new drug courts that could be funded was reduced.
C. Factors Affecting Selection of 1997 and 1998 Targets.	
The amount of money actually appropriated will affect the targets. Targets for 1998 are based on a funding request of \$15M.	

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: VAWA: Law Enforcement and Prosecution Grants									
MISSION: To develop and strengthen effective coordinated and integrated law enforcement and prosecution strategies and related victim services in cases involving violent crimes against women.									
Type of Indicator	PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS					
	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target			
Input	1. Total formula grants to eligible States 2. Total discretionary grants to Indian tribes a/	\$23M \$1M	\$124.8M \$5.2M	\$124.8M \$5.2M	\$139.2M \$5.8M	\$155.6M \$6.4M			
Output/Activity	3. # of demonstration site tech. assist. workshops for grantees 4. # of national technical assistance conferences for State grantees 5. # of regional workshops for Indian tribal government grantees 6. # of national tech. assist. conferences for Indian tribal government grantees	2 1 0 0	3 0 5 1	2 c/ 0 0 d/ 0 e/	3 0 12 0	5 0 10 0			
Intermediate Outcome	7. Grantee level of satisfaction with VAWOO: Program Content..... Program Coordination..... Application Ltr..... Publications..... Conferences..... Training & Technical Assistance..... 8. # of States that fully achieved goals of implementation phase 9. # of services available to previously underserved Indian women ^{b/} 10. # of Indian grantees that developed or revised tribal codes relating to violence against women 11. # of Indian tribes that developed a computerized database to track domestic violence calls and violations of protective orders	N/A N/A N/A N/A N/A N/A 56 14 14 13	N/A N/A N/A N/A N/A N/A 56 45 25 16	N/A N/A N/A N/A N/A N/A 56 45 29 17	65% 65% 65% 65% 65% 65% 56 45 25 16	75% 75% 75% 75% 75% 75% 56 70 35 30			
End Outcome	12. Number of States that report a decrease in violent crime against women as a result of this program. 13. Number of States that launched coordinated criminal justice approaches to address violent crimes against women 14. Number of Indian tribal governments that launched coordinated tribal justice approaches to address violent crimes against women	N/A 56 14	N/A 56 65	N/A 56 52	0 56 65	0 56 65			
Productivity/Efficiency	15. Workyears required to implement grant program 16. Annual cost per working year	9 FTE N/A	11 FTE N/A	11 FTE 10.8M	11 FTE \$0.0M	12 FTE \$0.0M			

A. Definitions of Terms or Explanations for Indicators:	
a/	Indian discretionary grants equal 4% of the total funding available for formula grants.
b/	In the absence of reliable statistics on services within the Indian community available, the universe of tribal government grants is being used as the baseline.
c/	In the long term, this cost outcome figure is expected to decrease. However, as women are encouraged to report domestic violence, it is anticipated interim figures will increase before dropping.
B. Factors Affecting 1996 Program Performance:	
c/	The identification of an appropriate site for the third workshop took longer than anticipated. The remaining technical assistance workshop will be held in April 1997.
d/	The timing of awards to Indian tribes precluded the delivery of the planned 1996 technical assistance workshops. As a result, eight regional workshops were offered during the first quarter of fiscal year 1997.
e/	The 1996 national conference was cancelled after it was determined that smaller regional training programs were more beneficial than a single national conference. The only conference actually held in 1996 was the original conference that was scheduled to be held during 1995, but was delayed until November 1996 due to the timing of the 1995 awards.
C. Factors Affecting Selection of 1997 and 1998 Targets:	
The targets provided are based on the program design implemented in 1995 and 1996. However, this program may change as actual 1995 and 1996 program results are received. Targets for succeeding years may also change as this program evolves.	

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: VAWA: Grants to Encourage Arrest Policies									
MISSION: To strengthen the criminal justice system's response to domestic violence and ensure that domestic violence is treated as a serious violation of criminal law.									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target			
Input	1. Appropriations	N/A	\$284	\$284	\$334	\$394			
Output/Activity	2. Number of dissemination site tech. assist. workshops for grantees	N/A	8	0	8	12			
	3. Number of national tech. assist. conferences for grantees	N/A	1	0	1	1			
Intermediate Outcome	4. Grantee level of satisfaction with VAWOO: Program Content..... Application Use..... Publications..... Conferences..... Training & Technical Assistance.....	N/A	N/A	N/A	N/A	65%	65%	75%	75%
	5. Number of grantees that implement mandatory or pre-arrest programs as part of a coordinated response to violence against women	N/A	75	0	75	150			
End Outcome	6. Number of grantees that report a decrease in domestic violence calls as a result of mandatory or pre-arrest programs	N/A	50	0	50	100			
Predictability/Efficiency	7. Work years required to implement grant program	N/A	5.5 FTE	5.5 FTE	5.5 FTE	5.5 FTE	5.5 FTE	5.5 FTE	5.5 FTE
	8. Average grant processing time	N/A	N/A	N/A	N/A	30 days	30 days	30 days	30 days
A. Definitions of Terms or Explanations for Indicators: N/A									
B. Factors Affecting 1996 Program Performance. The delay in receiving 1996 appropriations and the Secretary's requirement to publish proposed regulations for public comment in the Federal Register precluded the awarding of grants prior to September 30, 1996. These grants will be awarded in 1997.									
C. Federal Agencies' Selection of 1997 and 1998 Targets: N/A									

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: VAWA: Rural Domestic Violence and Child Abuse Enforcement Assistance									
MISSION: To enhance the capability of States, Indian tribal governments, local governments, and public and private entities in rural areas to respond in a coordinated and integrated manner to incidents of domestic violence and child abuse.									
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS							
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	Actual	1997 Target	1998 Target			
Input	1. Appropriations	N/A	\$7M	\$7M	\$8M	\$13M			
Output/Activity	2. Number of demonstration site tech. assist. workshops for grantees	N/A	4	0	4	6			
	3. Number of national tech. assist. conference for grantees	N/A	1	0	1	0			
Intermediate Outcome	4. Grantee level of satisfaction with VAWGO: Program Content..... Application fee..... Publications..... Conferences..... Training & Technical Assistance.....	N/A	N/A	N/A	N/A	65%	65%	75%	75%
	5. Number of jurisdictions that expand access to services to previously underserved populations in rural communities	N/A	50	20**	50	75			
End Outcome	6. Number of jurisdictions reporting improved response to domestic violence and child abuse calls as a result of a more comprehensive array of services	N/A	50	0***	50	75			
Productivity/Efficiency	7. Workyears required to implement grant program	N/A	5.3 FTE	5.3 FTE	5.3 FTE	5.3 FTE			
	8. Average grant processing time****	N/A	N/A	25 days	30 days	30 days			
A. Definitions of Terms or Explanations for Indicators:									
**** Measures the Workdays between funding peer panel review activities to awarding of grants.									
B. Factors Affecting 1996 Program Performance:									
• Fewer applicants requested funding; consequently, larger and more comprehensive grants were awarded.									
C. Factors Affecting Selection of 1997 and 1998 Targets:									
To date, only preliminary work on the design of the program is complete. Once program is fully operational, target levels of performance in succeeding years may change.									

PERFORMANCE MEASUREMENT TABLE PRESENTED BY DECISION UNIT

DECISION UNIT: VAWA: Training Programs									
MISSION: To enhance the capacity of probation and parole officers and other personnel who work with released sex offenders to better manage this difficult offender population and help ensure public safety.									
Type of Indicator	PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS					
	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target			
Input	1. Appropriation	N/A		\$1M	\$1M	\$2M			
Output/Activity	2. Number of regional workshops offered for probation & parole officers.	N/A	8	0	8	12			
Intermediate Outcomes	3. Creates level of satisfaction with VAWOO: Program Content..... Application Mts..... Publications..... Conferences..... Training & Technical Assistance.....	N/A	N/A	N/A	65%	75%			
		N/A	N/A	N/A	65%	75%			
		N/A	N/A	N/A	65%	75%			
		N/A	N/A	N/A	65%	75%			
End Outcome	4. Number of probation and parole officers that participate in training.	N/A	320	0	320	480			
	5. Number of jurisdictions that implement new policies and procedures to supervise and manage cases involving released sex offenders as a result of the training.	N/A	100	0	100	200			
Productivity/Efficiency	6. Work years required to implement grant program	N/A	.75 FTE	.75 FTE	.75 FTE	.75 FTE			
	7. Average grant processing time	N/A	N/A	N/A	30 days	30 days			
A. Definitions of Terms or Explanations for Indicators: NA									
B. Factors Affecting 1996 Program Performance • No grants were awarded in 1996. However, OJP convened a summit of experts to develop and discuss the content of this training program by identifying key concerns of the field and issues to be addressed. A grant to support the training program will be awarded in 1997.									
C. Factors Affecting Selection of 1997 and 1998 Targets. To date, only preliminary work on the design of this training program is complete. Once this program is fully operational, target levels of performance in succeeding years are likely to change.									

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: National Stalker and Domestic Violence Reduction Programs: State Stalking and Domestic Violence Data						
MISSION: To develop and improve the processes for identifying, classifying, collecting, and entering data regarding stalking and domestic violence into local, state, and national crime information databases.						
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS			
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
Input	1. Appropriation	N/A	\$1.5M	\$1.5M	\$1.75M	\$2.75M
Output/Activity	Develop definitions and classifications for collecting and maintaining data on stalking and domestic violence. 2. Award grants to develop definitions and pilot test data collection -- applies to 1996 only 3. Prepare preliminary report on recommendations and estimate for outside review Support state efforts to collect and exchange data on stalking and domestic violence: 4. Number of awards to states 5. Number of states provided with technical assistance to assist in providing stalking and domestic violence data	N/A N/A N/A N/A	1 N/A N/A N/A	1 N/A N/A N/A	N/A Results Achieved 8 7	N/A N/A 15 10
End Outcome	6. New definitions promulgated 7. Number of States initiating or enhancing data collection efforts on domestic violence and stalking information 8. Number of States initiating or enhancing the collection of protection order files	N/A N/A N/A	N/A N/A N/A	N/A N/A N/A	Results Achieved 50 12	N/A 50 18
A. Definitions of Terms or Explanations for Indicators: N/A						
B. Factors Affecting 1996 Program Performance:						
A survey will be conducted during the first quarter of 1997 to identify the number of states that collected data in 1996. Survey findings will be available by the second quarter. This chart will be updated at that time to reflect actual program experience.						
C. Factors Affecting Selection of 1997 and 1998 Targets						
(1) Amount of Federal funds appropriated; (2) Amount of state funds appropriated for this activity; (3) Status of available technology; (4) FBI program development; and (5) Legislative changes.						

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: State Criminal Alien Assistance Program									
MISSION: To provide Federal assistance to states and local units of government for the costs of incarcerating undocumented aliens and to expedite the transfer of custody for certain deportable aliens.									
PERFORMANCE INDICATOR INFORMATION				PERFORMANCE TARGETS & ACTUAL RESULTS					
Type of Indicator	Performance Indicators	1995 Actual	1996		1997 Target	1998			
			Target	Actual					
Input	1. Appropriations 2. Number of applications received	\$130M 45	\$300M 400	\$300M* 148**	\$300M*** 1,500	\$300M*** 1,500			
Output/Activity	3. Number of applications reviewed 4. Number of awards made	45 45	400 400	148 146	1,500 1,500	1,500 1,500			
End Outcomes	5. Number of illegal Criminal aliens for which reimbursement is made 6. Number of illegal alien claims that require on-site verification by INS 7. Number of illegal criminal aliens transferred immediately upon conviction to Federal correctional institutions eliminating the need for reimbursement payments 8. Average payout per dollar of claim for reimbursable inmates	37,679 N/A N/A 16 cents	40,000 N/A N/A 50 cents	40,632 N/A N/A 60 cents	45,000 N/A N/A 50 cents	45,000 N/A N/A 50 cents			
Productivity/Efficiency	9. Percent of total illegal incarcerated criminal aliens for which reimbursement is made and for which on-site verifications were required	N/A	N/A	N/A	N/A	N/A N/A			
A. Definitions of Terms or Explanations for Indicators.									
Indicators 6 and 9 are measures of INS performance and indicator 7 is a measure of INS and BOP performance.									
B. Factors Affecting 1996 Program Performance.									
* Actual 1996 appropriations reflect: \$300M in direct SCAAP appropriations, plus a \$200M earmark from Correctional Grants. ** Because local jails do not house aliens who are sentenced federal, fewer applied than expected. *** Prior to 1994, the number of applications was based on a SCAAP program limited to States. Beginning in 1996, local jurisdictions are eligible for reimbursement. - INS personnel are uniquely qualified to determine the legal status of aliens. Due to INS personnel resource constraints, to date, neither on-site verification nor transfer of custody are options.									
C. Factors Affecting Selection of 1997 and 1998 Targets.									
*** 1997 target appropriations reflect: \$300M in direct SCAAP appropriations, plus a \$170M earmark from Correctional Grants. *** 1998 target appropriations reflect: \$300M in direct SCAAP appropriations, plus a \$150M earmark from Correctional Grants. - The targets for 1997 and 1998 assume 65-75% of States and counties with populations of 100,000 or more will apply for reimbursement due to changes in the law. - It is unknown whether INS resources will be available for conducting on-site verification as a basis for reimbursement under SCAAP in 1997 and 1998.									

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Residential Substance Abuse Treatment for State Prisoners Program									
MISSION: To enhance the capability of States and units of local government to provide residential abuse treatment for incarcerated inmates.									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	PERFORMANCE TARGETS AND ACTUAL RESULTS		
Input	1. Appropriation 2. Number of applications received	N/A	N/A	\$27M	\$55	\$55	\$30M	\$63M	\$6
Output/Activity	3. Number of applications reviewed 4. Number of awards made 5. Number of technical assistance workshops and national technical assistance conferences conducted for state grantees	N/A	N/A	\$55	\$55	\$55	\$55	\$55	\$55
Intermediate Outcome	6. Number of residential substance abuse treatment programs initiated or expanded in State and local correctional facilities 7. Number of offenders treated for substance abuse 8. Number of State and local policymakers and correctional and treatment practitioners who receive technical assistance and training	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
End Outcome	9. Percentage of offenders who remain drug free when returned to the community 10. Percentage of offenders who do not become recidivists 11. Percentage of technical assistance and training recipients who report in follow up surveys that they implemented changes in policy or practices as a result of the assistance	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Productivity/Efficiency	12. Workyears required to implement grant program	N/A	N/A	1.3 FTE	1.5 FTE	2.0 FTE	2.0 FTE	2.0 FTE	2.0 FTE
<p>A. Definitions of Terms or Explanations for Indicators: Recidivism is defined as reconviction for a crime committed after release from the treatment program.</p> <p>B. Factors Affecting 1996 Program Performance: This program was not authorized until 1996. Since the 1996 appropriation was not enacted until April 1996, awards were not made until September 1996. Therefore, no offenders were treated under this program in 1996.</p>									

<p><u>C. Factors Affecting Selection of 1997 and 1998 Targets:</u></p>	<p>Full program implementation by the States is not expected until mid to late 1997, as many will initiate a competitive process to make awards. Because offenders must participate in the residential treatment program for 6 - 12 months, data on recidivism and drug use after release will not be available until 1998. Additionally, some states or programs may have difficulty establishing mechanisms to track drug use and recidivism among program participants during a follow-up period in the community.</p> <p>In 1997, the Corrections Program Office will begin conducting follow up surveys of recipients of job-specific technical assistance as well as those who participate in training and technical assistance conferences and workshops, 4 - 6 months after the event, to assess the number that have changed policies and practices. Because this has not been done in the past, the estimate may need to be adjusted as this procedure is implemented.</p> <p>Since this is a new program, target performance levels are rough estimates and may need to be revised as the program is implemented.</p>
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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Court Appointed Special Advocate Program							
MISSION: To speak for the best interests of abused and neglected children in the courts, to promote and support quality volunteer representation for children, and to provide each child a safe, permanent, nurturing home.							
Type of Indicator	PERFORMANCE INDICATOR INFORMATION	PERFORMANCE TARGETS AND ACTUAL RESULTS					
		1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	
Input	Performance Indicators 1. Appropriations 2. Applications received and reviewed	\$6M 210	\$6M 210	\$6M 204	\$6M 210	\$7M 240	
Output/Activity	3. Number of awards made 4. Issuance of program guidelines by grantees 5. Development/refinement of core curriculum 6. Number of collaborative events sponsored or supported	75 1 1 23	75 1 1 92	85 1 1 76	85 1 1 97	85 1 1 101	
Intermediate Outcome	7. Number of monitoring site visits made 8. Number of training conferences conducted 9. Number of technical assistance consultations 10. Number of membership services provided	31 2 1,724 156,052	105 2 4,400 176,000	32 1 1,508 171,024	32 1 1,500 193,600	50 1 1,550 197,000	
End Outcome	11. Number of children served 12. Number of jurisdictions served 13. Number of local CASA programs 14. Number of state-wide CASA programs 15. Number of training events conducted 16. Number of CASA volunteers recruited 17. Number of documents disseminated	128,000 700 610 41 19 37,000 49,934	154,880 691 638 41 25 44,770 60,900	129,500 730 658 41 29 38,500 77,559	170,368 729 694 41 25 49,247 83,945	185,000 745 710 42 29 52,000 86,000	
Productivity/Efficiency	18. Number of Full-Time-Equivalents (FTE) used on program activities	1.2 FTE	1.2 FTE	1.2 FTE	1.2 FTE	1.2 FTE	
A. Definitions of Terms or Explanations for Indicators:							
#1 Chapter 3 of core curriculum, developed in 1990, as revised in 1994, and distributed to all members.							
B. Factors Affecting 1996 Program Performance: N/A							
C. Factors Affecting Selection of 1997 and 1998 Targets: N/A							

PERFORMANCE MEASUREMENT TABLE, PRESENTED BY DECISION UNIT

DECISION UNIT: Child Abuse Training for Judicial Personnel and Practitioners							
MISSION: To develop, refine, and implement model training and technical assistance programs to improve the juvenile and family courts' handling of abuse and neglect cases and the design of model programs to improve State court systems.							
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	
Input	1. Appropriation (dollars in thousands) 2. Applications received and awarded	\$750 1	\$750 1	\$750 1	\$1,000 1	\$2,000 1	53,000 1
Output/Activity	3. Number of information packets developed	2	2	2	2	2	2
Intermediate Outcomes	4. Number of monitoring site visits made 5. Number of planning/demonstration conferences held	1 8	1 6	1 6	1 6	1 6	1 6
End Outcomes	6. Number of jurisdictions receiving technical assistance 7. Number of program models developed 8. Number of new publications developed and distributed 9. Number of training curricula developed	3 1 1 1	8 1 1 1	8 1 1 1	8 1 1 1	12 1 1 1	12 1 1 1
Productivity/Efficiency	10. Average Full-Time-Equivalent spent on grant activities	1.4 FTE	1.4 FTE	1.4 FTE	1.4 FTE	1.4 FTE	1.4 FTE
A. Definitions of Terms or Explanations for Indicators: N/A							
B. Factors Affecting 1996 Program Performance: N/A							
C. Factors Affecting Selection of 1997 and 1998 Targets: N/A							

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Closed-Circuit Televiewing of Testimony									
MISSION: To reduce the trauma related to testifying at a hearing and/or trial by children who are victims of crime.									
PERFORMANCE INDICATOR INFORMATION				PERFORMANCE TARGETS & ACTUAL RESULTS					
Type of Indicator	Performance Indicators	1995 Actual	1996		1997 Target	1998 Target			
			Target	Actual					
Input	1. Appropriation 2. Number of applications received	\$NA NA	\$50,000 9	\$50,000 1	\$50,000 21	\$1M 56			
Output/Activity	3. Number of awards made	NA	9	1*	21	56			
Intermediate Outcome	4. Number of agencies monitored on-site	3	0	0	56	56			
End Outcome	5. Number of state personnel trained in use of CCTV equipment for victims of child abuse 6. Number of children testifying on CCTV rather than in an open courtroom as a result of this program 7. Number of courtrooms implementing CCTV for victims of child abuse	N/A N/A N/A	70 N/A N/A	N/A N/A N/A	112 TBD TBD	112 TBD TBD			
Predictability/Efficiency	8. Number of states establishing CCTV units serving more than one jurisdiction	1	10	N/A	10	10			
A. Definitions of Terms or Explanations for Indicators: Program was modified by the 1994 Crime Act from a formula to a discretionary grant program.									
B. Factors Affecting 1996 Program Performance: • A single grantee was selected in 1996 to provide training and further study.									
C. Factors Affecting Selection of 1997 and 1998 Targets: • The increased target appropriation levels in 1997 and 1998 allow for program enhancement and expansion. • Performance indicators and estimates for 1997 and 1998 will be further developed and refined as the program evolves.									

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Violent Youth Court Program							
MISSION: To develop initiatives by courts or court-related entities (including probation offices and victim/witness units) to enhance and expedite handling of matters involving violent juveniles.							
PERFORMANCE INDICATOR INFORMATION				PERFORMANCE TARGETS & ACTUAL RESULTS			
Type of Indicator	Performance Indicators	1995 Actual	1996		1997 Target	1998 Target	
			Target	Actual			
Inputs	1. Appropriation 2. Number of applications received	\$0 N/A	\$0 N/A	\$0 N/A	\$0 N/A	\$50M TBD	
Output/Activity	3. Number of applications reviewed 4. Number of peer panels conducted 5. Number of awards made	N/A N/A N/A	N/A N/A N/A	N/A N/A N/A	N/A N/A N/A	TBD TBD TBD	
Intermediate Outcomes	6. Number of monitoring site visits made 7. Number of cluster conferences held 8. Percent of conference attendees that rate conference as good or excellent	N/A N/A N/A	N/A N/A N/A	N/A N/A N/A	N/A N/A N/A	TBD TBD 60%	
End Outcomes	9. Number of violent youth courts established 10. Percent of program participants that report enhanced and expedited handling of violent youth matters	N/A N/A	N/A N/A	N/A N/A	N/A N/A	TBD TBD	
Productivity/Efficiency	11. Grant processing time	N/A	N/A	N/A	N/A	TBD	
A. Definitions of Terms or Explanations for Indicators: NA							
B. Factors Affecting 1996 Program Performance: NA							
C. Factors Affecting Selection of 1997 and 1998 Targets:							
This is a new program proposed in 1998. Program scope and performance indicators will be further developed and refined as the program evolves.							

PERFORMANCE MEASUREMENT TABLE PRESENTED BY DECISION UNIT

DECISION UNIT: Assistance for Delinquent and At-Risk Youth							
MISSION: To provide funds for the development and operation of residential services (boarding schools) for at-risk youth.							
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS					
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	
Input	1. Appropriation 2. Number of applications received	N/A N/A	N/A N/A	N/A N/A	N/A N/A	\$304 75	
Output/ Activity	3. Number of applications reviewed 4. Number of peer panels conducted 5. Number of events made	N/A N/A N/A	N/A N/A N/A	N/A N/A N/A	N/A N/A N/A	75 5 20	
Intermediate Outcomes	6. Number of monitoring site visits made	N/A	N/A	N/A	N/A	10	
End Outcomes	7. Number of residential programs implemented 8. Number of juveniles housed	N/A N/A	N/A N/A	N/A N/A	N/A N/A	20 1,000	
Productivity/ Efficiency	9. Average staff hours per grant award 9. Average number of grants per program manager	N/A N/A	N/A N/A	N/A N/A	N/A N/A	200 10	
A. Definitions of Terms or Explanations for Indicators: N/A							
B. Factors Affecting 1996 Program Performance: N/A							
C. Factors Affecting Selection of 1997 and 1998 Targets							
Prior to 1996, this program was not funded. Therefore, indicators and measurements may change once the program is fully implemented.							

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DIVISION UNIT

DIVISION UNIT: Missing Alzheimer's Disease Patients Alert Program							
MISSION: To establish a national Missing Alzheimer's Disease Patient Alert Program to protect and locate missing patients with Alzheimer's disease and related dementias.							
Type of Indicator	PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS			
	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	
Input	1. Appropriation	\$750,000	\$900,000	\$900,000	\$900,000	\$900,000	
	2. Applications received and grants awarded	1	1	1	1	1	
Output/Activity	3. Disseminate information on Safe Return Program	154,000	175,000	160,000	190,000	190,000	
Intermediate Outcome	4. Number of monitoring site visits	1	1	1	1	1	
	5. Number of Safe Return related calls	4,565	4,000	4,725	4,225	4,225	
End Outcome	6. Number of Safe Return Registrars	18,077	13,000	24,558	25,000	25,000	
	7. Missing Alzheimer Persons recovered	186	175	278	290	290	
Productivity/Efficiency	8. Average staff hours on grant activity	.15 FTE	.15 FTE	.15 FTE	.15 FTE	.15 FTE	
A. Definitions of Terms or Explanations for Indicators.							
The Safe Return Program is a national computerized registry containing information on Alzheimer patients and the caregivers and agencies in contact when these individuals are reported missing. This program administers a 24 hour a day toll free telephone service to report missing Alzheimer patients. Once an individual is registered with the nation center, they receive a unique identification number which is to be worn on clothing labels, wallet cards, or on mail envelopes.							
B. Future Affecting 1996 Program Performance: N/A							
C. Future Affecting Selection of 1997 and 1998 Targets: N/A							

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: DNA Identification State Grants									
MISSION: To improve the quality and availability of DNA Analysis for law enforcement identification purposes									
PERFORMANCE INDICATOR INFORMATION				PERFORMANCE TARGETS & ACTUAL RESULTS					
Type of Indicator	Performance Indicators			1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	
Input	1. Dollars received for DNA Identification Grants			N/A	\$1M	\$1M*	\$3M	\$15M	
	2. Number of DNA kits applying for new improvement funding.			N/A	50	45	75	75	
Output/Activity	3. Number of DNA kits selected for: New improvement funding Continued improvement funding (3-year grants)			N/A	37	0**	20	30	
	4. Percent increase in number of suspects identified using state databases.			N/A	N/A	N/A	37	37	
Intermediate Outcome	5. Number of states where database development is needed.			N/A	11	N/A	50%	50%	
	6. Number of states with fully operational DNA databases.			N/A	11	11	10	0	
End Outcome				N/A	N/A	N/A	40	50	
A. Definitions of Terms or Explanations for Indicators: N/A									
B. Factors Affecting 1996 Program P. Performance:									
* In addition to the \$1M appropriation, the FBI provided \$2M in additional funding for this program.									
** Because 1996 appropriations were not available until April, 1996 awards were delayed. As a result, by the end of December 1996, 37 grants were awarded.									
C. Factors Affecting Selection of 1997 and 1998 Targets: N/A									

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Tuberculosis Treatment in Correctional Facilities						
MISSION: To develop guidelines and make grants to assist State, tribal, and local corrections and public health authorities to prevent, diagnose, and treat tuberculosis among inmates in correctional institutions.						
PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
Input	1. Appropriation	N/A	N/A	\$200,000	\$0	\$1M
Output/Activity	2. Number of applications received	N/A	N/A	N/A	4	10
	3. Number of grant applications reviewed	N/A	N/A	N/A	4	10
	4. Number of grant awards made	N/A	N/A	N/A	4	8
Intermediate Outcome	5. Number of State and local policymakers and correctional and public health practitioners who participate in grant sponsored planning efforts	N/A	N/A	N/A	120	120
End Outcome	6. Number of State or local correctional agencies which initiate or enhance TB prevention, diagnosis, or treatment programs following participation in grant sponsored planning efforts	N/A	N/A	N/A	10	20
Productivity/Efficiency	7. Work years required to implement grant program	N/A	N/A	N/A	2 FTE	3 FTE
A. Definitions of Terms or Explanations for Indicators:						
N/A						
B. Factors Affecting 1995 Program Performance:						
The program was not authorized until 1996 and was later transferred to the Corrections Program Office.						
C. Factors Affecting Selection of 1997 and 1998 Targets:						
The program is scheduled for implementation in 1997 and will support planning efforts in selected States. It is anticipated that 1998 funds would be used to expand planning efforts to additional States and provide some funding for implementation.						

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Law Enforcement Family Support							
MISSION: To assist federal, state, and local law enforcement agencies in developing and implementing policies and programs to reduce stress and provide appropriate support services for law enforcement officers and their families through research, training, technical assistance, and financial support.							
PERFORMANCE INDICATOR INFORMATION				PERFORMANCE TARGETS & ACTUAL RESULTS			
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	
Input	1. Appropriation 2. Number of applications for research on stress and stress reduction for law enforcement officers and their families. 3. Number of applications for demonstration programs and training programs.	N/A N/A N/A	\$1M 5 25	\$1M 7 51	\$1M 20 100	\$2.2M 30 100	
Output/Activity	4. Number of awards for research. 5. Number of awards for demonstration and training programs.	N/A N/A	1 7	1 8	2 16	2 16	
Intermediate Outcomes	6. Number of new employee assistance programs established. 7. Number of managers trained to establish and operate or expand stress reduction and family support programs.	N/A N/A	8 •	8 •	16 150	32 150	
End Outcomes	8. Number of Federally initiated programs where states have taken over funding.	N/A	•	•	•	24	
A. Definitions of Terms or Explanations for Indicators: N/A							
B. Factors Affecting 1996 Program Performance.							
• Since the 1996 appropriation was not available until April, grant awards were delayed until September. As a result, no measurements will be available for these outcomes until later in 1997.							
C. Factors Affecting Subsection of 1997 and 1998 Targets.							
• The 1997 and 1998 targets reflect those programs initiated in 1996 and/or 1997. Actual and outcomes for 1997 and/or 1998 may also be delayed.							

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Motor Vehicle Theft Prevention Program									
MISSION: To create a cooperative partnership between car owners and state and local law enforcement to reduce car theft committed primarily by professional auto thieves and to facilitate the recovery of stolen vehicles.									
Type of Indicator	PERFORMANCE INDICATOR INFORMATION		PERFORMANCE TARGETS AND ACTUAL RESULTS						
	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target			
Input	1. Appropriation 2. Finalization of support agreement 3. Number of training programs conducted	\$0 1 N/A	\$500,000 1 5	\$500,000 1 5	\$750,000 1 10	\$1M 1 15			
Output/Activity	4. Number of agreements implemented 5. Number of conferences held on auto theft prevention	1 N/A	3 N/A	3 N/A	5 N/A	10 1			
Intermediate Outcome	6. Number of states implementing program 7. Number of decals issued as a result of program 8. Percent of registered vehicles participating in program 9. Number of jurisdictions inquiring about program 10. Percent attendees that rate the State Auto Theft Prevention Conference as good or excellent	N/A N/A N/A N/A N/A	3 N/A N/A 10 N/A	3 N/A N/A 10 N/A	5 TBD TBD 50 70%	10 TBD TBD 50 80%			
End Outcome	11. Number of police departments involved 12. Number of police stops resulting from program	N/A N/A	N/A N/A	N/A N/A	5 TBD	10 TBD			
Productivity/Efficiency	13. Use of technology to administer and promote program	N/A	Internet	None	Internet	Internet			
A. Definitions of Terms or Explanations for Indicators: N/A									
B. Factors Affecting 1996 Program Performance:									
<ul style="list-style-type: none">• Availability of funding late in fiscal year 1996 and need to design and implement National program strategy delayed 1996 efforts. It is expected that 5 training programs (funded with 1996 appropriations) will be held in 1997.• Due to the lateness of 1996 appropriations, this information will not be available until 1997.									

C. Factors Affecting Selection of 1997 and 1998 Targets.

o Unknown at this time are what problems or impediments will be encountered as the program moves forward. Since it is a voluntary program, significant effort will be required to make state and local agencies aware of the program and its potential benefits to their jurisdictions; however, expansion of state programs with MVTP Program funding will offer the opportunity to assess program effectiveness and identify innovative public-private partnerships. The impact of the 1996 awards to Arizona, New Mexico and Texas may affect program performance. BIA will consider expanding the Southwest border initiative and the use of Texas as a demonstration site or model project since it is one of the more advanced states in this field. Targets will be estimated when 1996 actual data is available. During 1997 BIA will provide start-up grants to states without sister programs (three to four states at \$150,000 each) and conversion grants to states with existing programs (two to three states at up to \$25,000 each) to convert to the national program.

o The ultimate goal of reducing into debt cannot be measured until several years of program experience can be analyzed.

*** BIA has yet to determine the practicality of tracking this indicator. However, BIA will work with the implementing states to determine the extent that this may be practical.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Telemarketing Fraud Against Senior Citizens							
MISSION: To reduce the incidence of telemarketing scams perpetrated against senior citizens.							
PERFORMANCE INDICATOR INFORMATION			PERFORMANCE TARGETS AND ACTUAL RESULTS				
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	
Input	1. Appropriations	N/A	N/A	N/A	\$2M	\$2M	\$2M
Output/Activity	4. Number of applications reviewed	N/A	N/A	N/A	N/A	N/A	*
	5. Number of awards made	N/A	N/A	N/A	N/A	N/A	*
	6. Number of technical assistance workshops offered to grantees	N/A	N/A	N/A	N/A	N/A	*
Intermediate Outcome	7. Number of program participants:						
	Law Enforcement.....	N/A	N/A	N/A	N/A	N/A	*
	Senior Citizen Advocacy Organizations.....	N/A	N/A	N/A	N/A	N/A	*
	Other.....	N/A	N/A	N/A	N/A	N/A	*
End Outcome	8. Number of organizations implementing program policies and initiatives	N/A	N/A	N/A	N/A	N/A	*
Productivity/ Efficiency	9. Number of investigations/arrests initiated based on program information and activities	N/A	N/A	N/A	N/A	N/A	*
A. Definitions of Terms or Explanations for Indicators: N/A							
B. Factors Affecting 1996 Program Performance: N/A							
C. Factors Affecting Selection of 1997 and 1998 Target:							
* This is a new program in 1997. OIP is currently working with officials from the Department of Justice to define precise program initiatives. Once this program is fully developed and operational, the above indicators may change to more appropriately measure program performance.							

Office of Justice Programs
Violent Crime Reduction Programs
Financial Analysis - Program Changes
(Dollars in Thousands)

	Edward Byrne Grant Programs	Criminal Record Upgrades	Correctional Facilities Grants	Local Law Enfor Block Grants	Drug Courts	Violence Against Women Act
25.3 Purchases of Goods & Services from Gov't Accounts	\$7,204	\$49	\$2,674	(\$8,329)	\$931	\$1,546
41.0 Grants, Subsidies & Contributions	373,796	(5,049)	37,826	(\$14,671)	44,069	50,704
Total Program Obligations	\$381,000	(\$5,000)	\$40,500	(\$523,000)	\$45,000	\$52,250
Changes Requested, 1998						

	SCAAP	Residential Sub. Abuse Treatment	Violent Youth Court Program	DNA Identification	Other Violent Crime Programs	Grand Total
25.3 Purchases of Goods & Services from Gov't Accounts	\$1,318	\$705	\$939	\$234	\$215	\$7,486
41.0 Grants, Subsidies & Contributions	18,682	32,295	49,061	11,766	102,580	109,219
Total Program Obligations	\$20,000	\$33,000	\$50,000	\$12,000	\$10,995	\$116,705
Changes Requested, 1998						

Office of Justice Programs
Summary of Changes
Violent Crime Reduction Programs
(Dollars in thousands)

	Amount
1997 Appropriation.....	\$2,836,156
1998 Base.....	2,836,156
Program Changes:	
Byrne Law Enforcement Assistance	381,000
Criminal Records Upgrade Program	(5,000)
Correctional Facilities Grants	40,500
Local Law Enforcement Block Grants	(321,000)
Drug Courts Grants	45,000
Violence Against Women Act Programs:	
Law Enforcement & Prosecution Grants	15,000
Encouraging Arrest Policies	26,000
Rural Domestic Violence and Child Abuse Enforcement Assistance	7,000
Training Programs	1,000
Victims of Child Abuse Act	
Court Appointed Special Advocate	1,000
Training for Judicial Personnel	1,000
Grant for Televised Testimony	450
National Salkter and Domestic Violence Reduction	
State Stalking and Domestic Violence Data	1,000
National Study/ Campus Sexual Assault	(200)
SCAAP	20,000
Residential Substance Abuse Treatment Program	31,000
Violent Youth Courts Program	50,000
Awar. for Delinquent and At-Risk Youth	8,000
DNA Identification - State Grants	12,000
TB Prevention and Treatment in Correctional Institutions	1,000
Family Support Programs	1,205
Motor Vehicle Theft Prevention	250
Presidential Summit On Violence and National	
Commission on Crime Prevention & Control	500
TOTAL Program Changes	116,705
1998 Request.....	2,157,855

Office of Justice Programs
Violent Crime Reduction Program
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease FTS Amount
	FTS	Amount	FTS	Amount	FTS	Amount	
11.1 Full-Time Personnel							
11.3 Other Than Full-Time							
11.5 Other Personnel Compensation							
11.8 Special Personnel Services Payroll							
Total	0	0	0	0	0	0	0
Other Objects							
12 Personnel Benefits							
13 Benefits for Former Personnel							
21 Travel and Transportation of Persons		\$23		\$24		\$24	
22 Transportation of Things							
23.1 GSA Rent							
23.2 Rental Payments to Others							
23.3 Communications, Utilities, and Misc.							
24 Printing and Reproduction		60		62		64	\$2
25.1 Consulting Services							
25.2 Other Services		21,987		13,755		9,545	(4,210)
25.3 Purchases of Goods and Services from Government Accounts		17,938		32,435		39,911	7,486
26.00 Supplies and Materials		26		26		27	1
31.00 Equipment							
41.00 Grants, Subsidies and Contributions		973,962		2,904,437		2,103,283	(801,154)
Total Obligations		1,013,715		2,958,779		2,152,835	(797,875)
Unobligated balance, start of year		(120,704)		(914,579)		0	0
Unobligated balance, end of year		914,579		0		0	0
Total Requirements		1,807,590		2,036,150		2,152,835	
Relation of Obligations to Outlays:							
Total Obligations		1,013,715		2,958,779		2,152,835	
Obligated balance, start of year		549,380		1,171,783		3,270,833	
Obligated balance, end of year		(1,171,783)		(3,270,833)		(3,708,319)	
Outlays		391,312		851,679		1,715,368	

Office of Justice Programs
Weed and Seed Program
Congressional Estimates for Fiscal Year 1998
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Weed and Seed Program Fund

Summary Statement

Fiscal Year 1998

For 1998, \$28,500,000 is requested for the Executive Office for Weed and Seed. These funds will be derived from Byrne discretionary funds requested under the Violent Crime Reduction Program appropriation.

Office of Justice Programs
Weed and Seed Program Fund
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates included proposed changes in the appropriation language listed and explained below. New language is underscored and deleted material is enclosed in brackets.

Weed and Seed Program Fund

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, \$28,500,000, which shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

(Department of Justice and Related Agencies Appropriations Act, 1997.)

Office of Justice Programs
Weed and Seed Program
Crosswalk of 1997 Changes
(Dollars in thousands)

Activity/ Program	1997 President's Budget Request		Congressional Appropriation Actions on Request		Reprogramming		1997 Availability	
	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount
Weed and Seed Program	--	-- \$28,500	--	--	--	--	--	-- \$28,500
TOTAL, Weed and Seed Program	--	-- 28,500	--	--	--	--	--	-- 28,500

NOTE: For presentation purposes only. Positions and workyears are reflected in the "Justice Assistance" appropriation. Funds for the program will be reimbursed from the "State and Local Law Enforcement" appropriation.

Office of Justice Programs
Weed and Seed Program
Summary of Requirements
(Dollars in thousands)

Adjustment to Base:	Perm Pos.	NY Amount
1997 Enacted.....
1998 Base/Estimate.....
		\$28,500
		28,500

Estimates by budget activity	1997 Enacted			1998 Base			1998 Estimate			Increase/Decrease		
	Perm Pos.	NY Amount	NY Amount	Perm Pos.	NY Amount	NY Amount	Perm Pos.	NY Amount	NY Amount	Perm Pos.	NY Amount	NY Amount
1. Weed and Seed Program.....	\$28,500	..	..	\$28,500	..	..	\$28,500	..	..	..
Total.....	28,500	..	..	28,500	..	..	28,500	..	..	..

NOTE: For presentation purposes only. Funds will be reimbursed in 1997 from the "State and Local Law Enforcement" appropriation, and in 1998 from the "VCOP
State and Local Law Enforcement Assistance" appropriation.

Office of Justice Programs
Weed and Seed Program
Summary of Resources by Program
(Dollars in thousands)

Estimate by Program	1998 Enacted		1998 Actual		1997 Appropriation		1998 Base		1998 Estimate		Increase/Decrease	
	Perm.	Pos. NY Amount	Perm.	Pos. NY Amount	Perm.	Pos. NY Amount	Perm.	Pos. NY Amount	Perm.	Pos. NY Amount	Perm.	Pos. NY Amount
Weed and Seed Program.....	--	\$28,500	--	\$17,839	--	\$28,500	--	\$28,500	--	\$28,500	--	--
TOTAL.....	--	28,500	--	17,839	--	28,600	--	28,600	--	28,600	--	--

Note: For presentation purposes only. Funds for 1998 and 1997 are reimbursed from the "State and Local Law Enforcement" appropriation. In 1998, funds will be reimbursed from the "VCSP State and Local Law Enforcement Assistance" appropriation.

**Office of Justice Programs
Weed and Seed Program**

Mission: To provide grant funding to communities to help develop and implement comprehensive strategies to "weed out" violent crime, drug and gun trafficking, and gang activity and "seed" the neighborhood with programs that achieve and maintain crime prevention and economic revitalization.

General Goals:

1. Encourage the development and implementation of the Weed and Seed strategy in communities by funding geographically diverse projects in large, medium, and small sized communities.
2. Maximize available resources by coordinating Weed and Seed strategies with other Federal, State, local and private sector, law enforcement and social service agencies efforts to promote safe and secure neighborhoods.

**Office of Justice Programs
Weed and Seed Program
Justification of Program and Performance
(Dollars in thousands)**

Weed and Seed Program:	Amounts
1997 Estimated Reimbursement	\$28,500
1998 Estimated Reimbursement	28,500
Increase/Decrease	0

BASE PROGRAM DESCRIPTION: The "Weed and Seed" program provides funding assistance to communities, including assistance for the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities. These grants provide communities with funds to concentrate their efforts on "weeding out" violent crime, drug trafficking, and drug-related crime from targeted high-crime neighborhoods, and "seeding" those areas with human services and neighborhood restoration activities. To maximize available resources, "Weed and Seed" grants are often integrated with other Federal, State, local, and private sector funds. In a spirit of cooperation, agencies set out to accomplish the long range goal of revitalizing neighborhoods so citizens may live, pursue opportunity, and raise their families in a crime-free environment.

The mission of "Weed and Seed" was established by P.L. 102-395, the Department of Justice and Related Agencies Appropriations Act of 1993, and by the end of that year, a total of 21 "Weed and Seed" sites were operating nationwide. By 1994, the total number of funded "Weed and Seed" demonstration sites was 36. In 1995, continuation funding of \$750,000 each (of which \$500,000 was funded by grants and \$250,000 by the Asset Forfeiture Fund) was provided to the 36 demonstration sites, and a small award of \$35,000 (all in grants) was provided to officially recognized sites to help sustain their efforts. In 1996, the 15 sites initiated in 1994 received their third year of full funding (at \$750,000 each), while the initial 21 sites received a lower level of funding (\$300,000 each, of which \$200,000 was from grants and \$100,000 from the Asset Forfeiture Fund) in order to assist their transition to funding from other sources. Also in 1996, 50 new sites were brought on at a lower funding level (\$85,000 to \$250,000 each) reflecting a program decision to spread available resources over the number of sites implementing the strategy. Two Indian country pilot sites were offered 1996 funding as well (\$300,000 each), making the total number of sites allocated to receive 1996 funds 88. The Executive Office for Weed and Seed (EOWS) plans to increase the number of sites during 1997 and 1998, within available funds.

The "Weed and Seed" strategy is made up of four basic elements:

1. Coordinated law enforcement efforts to "weed out" violent crime in targeted neighborhoods.
2. Community Oriented Policing, which operates in support of intensive law enforcement suppression activities and provides a "bridge" to programs aimed at prevention, intervention and treatment, and neighborhood reclamation and revitalization.
3. Increased availability of human services in demonstration neighborhoods -- such as drug and crime prevention programs, educational opportunities, drug treatment, family services and recreational activities -- to create a crime-free environment.
4. Expanded opportunities and economic development for residents to revitalize distressed neighborhoods.

Safe Havens

A core requirement for all Weed and Seed site cities is the operation of a Safe Haven program. This program was developed through a collaborative effort among the EOWS, the Bureau of Justice Assistance (BJA) and the Departments of Education (DoE) and Housing and Urban Development (HUD). The program brings together education, community services, law enforcement, health, and recreation to provide alternative and support activities for high-risk youth and other residents of "Weed and Seed" target communities. With 1993 funds, a grant award was made to Cities-in-Schools to implement the Safe Haven program. In 1994, EOWS and BJA jointly funded grant awards of \$50,000 each to 20 sites to continue support for Safe Haven coordination and management activities. Since 1995, sites have been expected to fund Safe Havens out of the core grant and/or leveraged resources.

New Initiatives

Several new initiatives were launched in 1996 and will be continued in 1997:

Community Justice Initiative

The community justice initiative will provide funding, training, and technical assistance to enable several sites to develop a continuum of community justice programs that reflect this new paradigm for the criminal justice system. The community justice paradigm emphasizes the pursuit of the common good of the community by means of proactive crime prevention and collaboration. Building on initial efforts, this funding will allow the sites selected to implement a program that combines community policing, community prosecution, community court, community probation/corrections, and related services.

Gun Abatement Initiative

This initiative seeks to reduce crime and violence involving guns in Weed and Seed sites. This initiative will build on the Kansas City Weed and Seed experience and the innovative program currently underway in Washington, D.C.--"Operation CeaseFire." The program provides for police officers in targeted areas to focus exclusively on the seizure of illegal firearms. These officers will be specially trained by the U.S. Attorney's Office in innovative and appropriate law enforcement techniques that meet any constitutional challenge. Additionally, the Bureau of Alcohol, Tobacco and Firearms (ATF) will provide assistance in tracing seized firearms. The program works with a "firearms prosecutor" whose sole responsibility is to coordinate the investigation and prosecution of firearms related cases. Training is also provided in developing a comprehensive, multimedia educational effort to destroy the mystique of firearms.

Safe Kids Initiative

This new Weed and Seed/OJP initiative will integrate community-wide approaches to ameliorating child abuse and neglect and resulting fatalities. This comprehensive program has four major components: (1) system reform and accountability; (2) continuum of services to protect children and support families; (3) data collection and evaluation; and (4) prevention education. Because of the challenging nature of the program, applications were invited from jurisdictions that can demonstrate a readiness and commitment to undertake system reform, progress in assessing and addressing abuse and neglect, and the existing capacity to effect this major enterprise through a community-wide collaborative. Jurisdictions must also demonstrate the existence of policies and/or legislation that promote unified or family court approaches, encourage innovative reform of the child welfare system and strengthen coordination between and integration of the two systems. Applicants will also be required to match this grant with other new or reallocated public/private funding. Funded programs will be firmly centered within larger, already articulated plans or strategies developed by the applicant jurisdiction, building on other, community-based efforts.

Training and Technical Assistance

New Approach for 1996: A new, site-driven approach to training and technical assistance was implemented. Under this approach, sites select training and technical assistance from a variety of providers. Providers make presentations at regional conferences to assist sites in making their selections. Options include the following:

- o **Neighborhood Restoration:** This element provides assistance in the design and implementation of strategies for economic development, expansion of employment opportunities, and restoration of housing and the overall physical environment.

- o **Youth Crime Watch:** This element provides a structure and process to empower youth to prioritize school or community problems and find solutions; it confronts an array of antisocial behavior including drug use, crime, violence, gang, and auto theft.

- o **Community Mobilization:** This training and technical assistance program is a two-component activity consisting of organizing and mobilizing law-abiding residents in high crime neighborhoods in cooperation with the police, to nonviolently confront drug dealers through peaceful marches and vigils. The intent of this nonviolent intervention is to disrupt the drug dealers' activities, to solidify community opinion against them, and to force their illegal activities out of the neighborhoods.

Publications and Videotapes: In addition to the initial program implementation manual, for which distribution is ongoing, EOWS publishes a monthly newsletter announcing developments in "Weed and Seed" policy and the progress experienced at current "Weed and Seed" sites. The newsletter is distributed to "Weed and Seed" sites, as well as other interested Federal, State and local, and community leaders. EOWS has also developed a video library for use by those developing a "Weed and Seed" strategy.

National Conference: As in past years, EOWS plans to convene a national "Weed and Seed" conference. The purpose of the conference will be to share information about effective programs being implemented by the various sites in each of the four "Weed and Seed" strategy elements for existing, new, and officially recognized sites. The conference provides information on the types of training and technical assistance that are available; information on other Federal initiatives relevant to implementing a "Weed and Seed" strategy, such as Empowerment Zones, DOJ's Pulling America's Communities Together (PACT) and the BIA's Comprehensive Communities Program; and an opportunity for experienced pilot demonstration sites to share their experiences with newer and developing sites.

National Evaluation: In 1993, the National Institute of Justice (NIJ) initiated a process evaluation of the 19 pilot demonstration sites funded at that time. NIJ funded in 1994 a project to collect baseline data at eight sites for use in an impact evaluation. Both the 1993 and 1994 efforts are complete. In 1995, NIJ selected a new national impact evaluator whose efforts are underway. This national evaluation is a two year project which continued in 1996 and whose results are expected in 1997.

Local Evaluations: The 1994 and 1995 application guidelines for "Weed and Seed" grants required each applicant to identify baselines, milestones, and performance indicators for measuring the impact of its law enforcement, prevention/early intervention/treatment, community policing, and neighborhood restoration programs. Those guidelines also required fully funded sites to dedicate a minimum of \$37,500 out of the EOWS/BIA grant funds, and/or identify other funds to support a local evaluation. The grant awards included a special condition stating that OJP will approve the evaluation design prior to the expenditure of any evaluation funds. OJP assists sites by reviewing evaluation proposals. New sites funded at lower core levels are being encouraged (although not required to do an evaluation), but site monitoring and the Government Performance and Results Act reporting are required. Technical assistance is being provided to sites' local evaluation efforts.

National Performance Review Laboratory: A National Performance Review (NPR) Laboratory related to comprehensive anti-crime and social service delivery strategies was initiated in 1994. The purpose of the NPR lab is to develop and demonstrate an approach for enhancing the delivery of Federal support to troubled neighborhoods, for leveraging State, local, and private resources, and evaluating the effectiveness of community strategies in revitalizing neighborhoods. This lab complements the Empowerment Zone/Enterprise Community initiative. Five "Weed and Seed" sites - four funded and one unfunded - were selected for this lab. Three of those sites received additional funding in FY 1996; the other two will receive additional funding in FY 1997.

Selection Criteria

The selection criteria for participating in "Weed and Seed" activities focus on communities that have the following characteristics:

- o High or rapidly increasing incidence of violent crime;
- o Existing, workable community infrastructure;
- o Cooperative governmental partnerships, good cooperation between governmental and private civic and social service organizations;
- o Strong U.S. Attorney offices; and
- o History of innovative programming at the local level.

Official Recognition Process

Official recognition provides sites which independently adopt the "Weed and Seed" strategy and apply for recognition, with limited technical assistance, training, and preference in applying for certain Federal funding programs. In 1996, over 50 sites which received or applied for official recognition status were given the opportunity to apply for additional "Weed and Seed" funding to implement their strategies. In 1997, approximately 20 additional sites are expected to apply for official recognition.

In 1997, the Department has allocated approximately \$37.5 million in resources for "Weed and Seed" activities, of which, \$9 million will be provided by the Asset Forfeiture Fund (28 U.S.C. 524 (c)(1)(D)) to supplement local law enforcement activities at "Weed and Seed" sites. In 1998, the Asset Forfeiture Fund plans to provide \$9 million to the Weed and Seed Program but reduction to this funding level may be necessary if receipts do not materialize.

PROGRAM CHANGES: In 1998, no direct funding is requested for the Weed and Seed Program. Instead, \$28.5 million in funding for this program will be completely derived from the Byrne Discretionary Grant Program, which is fully funded through the Violent Crime Reduction Trust Fund. Likewise, the proposed 1998 appropriations language continues to allow reimbursements from other DOJ sources, including the Asset Forfeiture Fund.

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Executive Office of Weed and Seed Program									
MISSION: To provide grant funding to communities to help develop and implement comprehensive strategies to "weed out" violent crime, drug and gun trafficking, and gang activity and "seed" the neighborhood with programs that achieve and maintain crime prevention and economic revitalization									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target			
Input	1. Weed & Seed funds available (in thousands)	\$13,456	\$28,500	\$28,500	\$28,500	\$28,500			
Output/Activity	2. Number of sites funded at the full demonstration level (approximately \$750,000 each)	36	36	15*	0	0			
	3. Total number of funded sites	36	90	79	100	120			
Intermediate Outcome	4. Grantees expressing satisfaction with Weed & Seed: Program, Application kit, Publications, Conferences, Technical Assistance & Training	N/A	N/A	N/A	N/A	90%	90%	90%	90%
End Outcome	5. Number of community police patrols (total number of foot or bike officers)	N/A	N/A	N/A	N/A	90%	90%	90%	90%
	6. Percentage of communities that feel community policing efforts and activities are working to reduce the incidence of crime.	N/A	N/A	N/A	N/A	90%	90%	90%	90%
	7. Number of persons charged with a felony or misdemeanor relating to the distribution or possession of drugs and/or firearms or any other felony within the confines of a Weed and Seed area or which directly impact the area or have a significant nexus thereto.	N/A	N/A	N/A	***	***	***	***	***
	8. Reported number of persons convicted of offenses in 9, above.	N/A	N/A	N/A	***	***	***	***	***
	9. Safe haven attendance (average daily total for all safe havens for all funded sites)	N/A	N/A	N/A	***	***	***	***	***
	10. Percentage of communities that feel that Safe Havens are working.	N/A	N/A	N/A	N/A	90%	90%	90%	90%
Productivity/Efficiency	11. Average grant processing time (from receipt of application to award date).	N/A	3 months	3 months	3 months	3 months	3 months	3 months	3 months

A. Definitions of Terms or Explanations for Indicators	
<p>Issue: The Executive Office for Weed and Seed is one of several funding sources for Weed and Seed projects. Within DOI, other sources have included the Executive Office for U.S. Attorneys, the Bureau of Justice Assistance Byrne Discretionary Grant Program, and Asset Forfeiture Funds (AFF) under 28 USC 524G(1)(D) (AFF provided approximately \$8 million in 1994 and \$9 million in 1995 and 1996. Similar amounts will be requested for 1997 and 1998; however dollars available are dependent on receipts). For 1996 through 1998 funds for the Executive Office for Weed and Seed are derived from Byrne Discretionary Grant program funds. The number of sites targeted for 1997 and 1998 reflects reliance on such other sources.</p> <p>Context: In 1995, 36 demonstration sites received approximately \$750,000 each of continuation funding for a 12-month period; officially recognized sites were not funded in 1997 and 1998, but in 1995 these sites received a one-time award of \$35,000 to help sustain their efforts. In 1996, the 15 sites initiated in 1994 received their third year of full funding (\$750,000 each), while the 21 sites initiated in 1991 to 1993 received a lower level of funding (\$300,000 each) in order to assist their transition to funding from other sources. Also in 1996, 50 sites which had received or applied for official recognition were offered supplemental funding at amounts lower than the previous demonstration level but higher than the officially recognized level (in the range of \$85,000 - \$250,000 each) reflecting a program decision to spread available resources over the number of sites implementing the strategy. A similar approach is planned for 1997 and 1998.</p> <p>Because of the delay in appropriations for 1996, site solicitation and award of 1996 funded grants was delayed and approximately one-half of grant awards planned for 1996 funds will occur in 1997, making the total number of sites using 1996 funds 88.</p> <p>Intermediate outcomes: Measures indicate customer/grantee satisfaction with various Weed and Seed program activities. This data will be collected by the program office via a customer survey.</p> <p>End outcomes: The Weed and Seed strategy requires sites to have the following two elements: <i>Community Policing Partners</i> - these are officers who walk a beat in the target neighborhood or ride bikes and serve as the bridge between law enforcement and social services; and <i>Soft Services</i> - which are multi-service centers where a variety of youth and adult services are co-located in a highly visible and accessible facility that is secure against crime and illegal drug activity.</p> <p>***Outcome measurements not yet available. Data collection started 10/1/96.</p> <p>N/A - Program-wide data are not available yet; collection of these data used in the CUPRA pilot project in 1996 and implemented program wide in 1997.</p>	
B. Factors Affecting FY 96 Program Performance	
A variety of factors may affect program performance other than phenomena within the control of the Federal government, for example: local capacity and commitment to implement the program, and societal trends of a regional or even national nature.	
C. Factors Affecting Selection of FY 97 and 98 Targets	
The same factors that may affect the 1996 program performance may also affect the 1997 and 1998 targets.	

Office of Justice Programs
Weed and Seed Program
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1996 Actual FTE	1996 Actual Amount	1997 Enacted FTE	1997 Enacted Amount	1998 Request FTE	1998 Request Amount	Increase/Decrease FTE	Increase/Decrease Amount
11.1 Full-Time Permanent	—	—	—	—	—	—	—	—
11.3 Other Than Full-Time	—	—	—	—	—	—	—	—
11.5 Other Personnel Compensation	—	—	—	—	—	—	—	—
11.8 Special Personnel Services Payroll	—	—	—	—	—	—	—	—
Total	0	0	0	0	0	0	0	0
12 Personnel Benefits	—	—	—	—	—	—	—	—
13 Benefits for Former Personnel	—	—	—	—	—	—	—	—
21 Travel and Transportation of Persons	—	228	—	—	—	—	—	—
22 Transportation of Things	—	—	—	—	—	—	—	—
23.1 GSA Rent	—	—	—	—	—	—	—	—
23.2 Rental Payments to Others	—	—	—	—	—	—	—	—
23.3 Communications, Utilities, and Miscell	—	—	—	—	—	—	—	—
24 Printing and Reproduction	—	28	—	—	—	—	—	—
25.2 Other Services	—	262	—	—	—	—	—	—
25.3 Purchases of Goods and Services from Government Accounts	—	1,497	—	855	—	889	—	34
26 Supplies and Materials	—	—	—	—	—	—	—	—
31 Equipment	—	—	—	—	—	—	—	—
41 Grants, Subsidies and Contributions	—	16,713	—	38,044	—	27,611	—	(10,433)
42 Insurance Claims and Indemnities	—	—	—	—	—	—	—	—
Total Obligations	—	18,728	—	38,899	—	28,500	—	(10,399)
Unobligated balance, start of year	—	(827)	—	(10,399)	—	—	—	10,399
Unobligated balance, end of year	—	10,399	—	—	—	—	—	—
Total Requirements	—	28,500	—	28,500	—	28,500	—	—

Note: For presentation purposes only. In 1996 and 1997 funds will be outlayed from the "State and Local Law Enforcement" appropriation. In 1998 funds will be outlayed from the "YCRP State and Local Law Enforcement Assistance" appropriation from which they will be reimbursed to the Weed and Seed Program.

Office of Justice Programs
State and Local Law Enforcement
Congressional Estimates for Fiscal Year 1998
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**Office of Justice Programs
State And Local Law Enforcement
Justification of Proposed Changes in Appropriation Language**

The 1998 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

State and Local Law Enforcement Assistance

[For grants, contracts, cooperative agreements, and other assistance authorized by part E of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, \$361,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102-534 (106 Stat. 3524), of which \$60,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.]

(Department of Justice and Related Agencies Appropriations Act 1997)

Explanation of Changes:

1. Eliminates appropriations language under this account. In 1998, this program is appropriated under the Violent Crime Reduction Programs, State and Local Law Enforcement Assistance account.

Office of Justice Programs
State and Local Law Enforcement
Crosswalk of 1997 Changes
(Dollars in thousands)

Activity/Program	1997 President's Budget Request		Congressional Action 1997 Request		Reprogramming		1997 Appropriation Enacted	
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY
Edward Byrne Formula Grants	—	—	—	—	—	—	—	—
Edward Byrne Discretionary Grants	—	—	—	—	—	—	—	—
TOTAL, STATE & LOCAL LAW ENFORCEMENT	—	—	—	—	—	—	—	—

NOTE: In 1996, a total of \$535 million was appropriated for the Byrne Program, \$147 m under the VCRP account for the formula program and \$388 m through direct appropriations. In 1997, a total of \$560 m was appropriated for the Byrne Program, \$199 m under the VCRP account for the formula program and \$361 m through direct appropriations.

**Office of Justice Programs
State and Local Law Enforcement
Summary of Requirements
(Dollars in thousands)**

Adjustment to Base: 1997 President's Request <i>J/</i> 1997 Appropriation as Enacted 1998 Base Program Changes 1998 Estimate	1997 Appropriation		1998 Base		1998 Estimate		Increase/Decrease		Perm. Pos.	Work- years	Amount
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount			
Estimates by budget activity											
Edward Byrne Memorial Formula Grant Program.....	...	\$301,000	...	\$301,000	...	...	...	...	...	...	\$301,000
Edward Byrne Memorial Discretionary Grant Program.....	...	60,000	...	60,000	...	...	...	...	...	...	(60,000)
TOTAL.....	...	361,000	...	361,000	...	...	...	...	...	...	(361,000)

J/ The 1997 President's Budget requested \$535 million for Byrne programs all to be derived from the Violent Crime Reduction Trust Fund.

Office of Justice Programs
State and Local Law Enforcement
Summary of Resources by Program
(Dollars in Thousands)

Estimates by Program	1994 Enacted		1996 Actual		1997 Appropriation		1998 Base		1998 Estimate		Increase/Decrease	
	Perm	Pos.	Perm	Pos.	Perm	Pos.	Perm	Pos.	Perm	Pos.	Perm	Pos.
Byrne Formula Grants
Byrne Discretionary Grants
Total

**Office of Justice Programs
State and Local Law Enforcement
Reimbursable Resources
(Dollars in Thousands)**

	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease Pos. WY Amount
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	
Financing:							
Source of Reimbursement:							
Department of Justice, COPS.....	--	(\$8,863)	--	\$5,000	--	--	-- (\$5,000)
Department of Housing and Urban Development.....	--	725	--	850	--	--	-- (850)
Department of Health and Human Services.....	--	827	--	1,000	--	--	-- (1,000)
Department of Justice, INS.....	--	150	--	150	--	--	-- (150)
Department of Justice, FBI.....	--	2,425	--	3,000	--	--	-- (3,000)
Budgetary Resources.....	--	(4,736)	--	10,000	--	--	-- (10,000)
Obligations by Program:							
Byrne Discretionary Grants.....	--	(4,736)	--	10,000	--	--	-- (10,000)
Total.....	--	(4,736)	--	10,000	--	--	-- (10,000)

Goods and Services Provided: Resources provided by contributing agency for joint projects administered by the Bureau of Justice Assistance.

**OFFICE OF JUSTICE PROGRAMS
STATE AND LOCAL LAW ENFORCEMENT
PROGRAM PERFORMANCE INFORMATION**

Mission: To assist State and local units of government to control and prevent drug and violent crime and to improve the functioning of the criminal justice system by helping States develop and implement innovative alternatives to traditional criminal justice operations.

Organizational Goals:

1. Award grants to States for the use by States and local units of government for crime prevention/control and system improvement programs.
2. Provide States with guidance on administrative issues and requirements.
3. Provide States and local criminal justice agencies with state-of-the-art information on effective programs, practices, and techniques.
4. Obtain information from the States on effective programs and document "what works" in reducing crime and improving the criminal justice system.
5. Provide the States and subgrantees with training and technical assistance on administrative and program issues.
6. Encourage States to address National priorities.
7. Monitor formula grant activities for compliance with requirements and the effective implementation of the statewide strategies.
8. Develop and test the effectiveness of new programs and practices to control and prevent drug use, crime and violence, and to improve the functioning of the criminal justice system at the State and local levels.

9. Provide training and technical assistance to improve and enhance the capacity of State and local agencies and community members to engage in effective drug/crime and violence control/prevention activities.
10. Encourage and facilitate coordination and cooperation among criminal justice agencies; across jurisdictions; among Federal, State, and local agencies; across disciplines; and between the criminal justice system and the community.
11. Assess the impact of program activities on drug and crime problems and the operations of the criminal justice system.
12. Develop alternatives that reduce reliance on incarceration and relieve overcrowding in correctional institutions.
13. Provide training to equip State and Local law enforcement officers with the skills and tools to effectively deal with and defuse the escalating problems associated with domestic terrorism.

**OFFICE OF JUSTICE PROGRAMS
STATE AND LOCAL LAW ENFORCEMENT
PROGRAM AND PERFORMANCE INFORMATION**
(Dollars in thousands)

Edward Byrne Formula Grants	Amount
1997 Appropriation	\$301,000
1998 Base	301,000
1998 Request	<u>0</u>
Increase/Decrease	-\$301,000

BASE PROGRAM DESCRIPTION: The purpose of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program, authorized by the Anti-Drug Abuse Act of 1988, as amended, is to assist States and units of local government in carrying out specific programs that offer a high probability of improving the functioning of the criminal justice system, with special emphasis on nationwide and multi-level drug control strategies and violent crime prevention. Programs and projects are developed to assist multijurisdictional and multi-state efforts to control drugs and crime and to support National priorities. The Anti-Drug Abuse Act of 1988, as amended, authorizes programs in 26 purpose areas to improve the criminal justice system.

The 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are eligible to receive a formula grant award. A percentage of each State's formula award must be used for projects at the local level, based on the proportion of local criminal justice expenditures to total State and local criminal justice expenditures.

The States, in consultation with local officials, develop statewide drug and violent crime strategies and funding priorities to address their drug and violent crime problems and to improve the functioning of their criminal justice systems while supporting national priorities and objectives.

Program activities funded by the Byrne Formula Grants Program continue to emphasize drug prevention and control, and frequently include programs that address domestic or youth/gang violence and community-based efforts such as community policing, safe havens, and alternatives to traditional incarceration.

The emphasis on developing planning and evaluation capacities among the state agencies related to Byrne-funded programs has resulted in multi-year strategies and funding priorities as well as a growing body of well-documented programs, such as:

- **Community Policing in Chicago:** In five targeted police districts, fear of crime and robbery crimes showed reductions vis a vis control sites.
- **Yakima (Washington) Gang Prevention and Intervention Coalition:** Gang related crime is down materially, and gangs have been largely dissipated.
- **Drug Treatment Alternative to Prison (DTAP) in New York City:** In four New York City locations, it allows diversion into long-term residential treatment in lieu of prison. Retention in treatment rates for DTAP offenders is 1-1/2 times higher than for offenders referred by other sources into same treatment programs. Retention rates are generally indicative of longer term treatment for reducing prison crowding and costs.
- **Differentiated Case Management in York County, S.C.:** Use of tracking system to assign cases by degree of complexity led to reduction in case backlog (almost cut in half) and a nearly 50% increase in the number of cases disposed of annually.

In 1995, the States invested the largest percentage of funds awarded from this program -- approximately 41% or \$185 million -- to multi-jurisdictional drug and violent crime task forces and other law enforcement related projects. When analyzing the "performance output measures" reported by 43 States, we found that the return on the \$185 million investment totaled almost \$73 billion in seized cocaine, marijuana, and destroyed marijuana plants. In addition, more than 337,000 offenders were arrested and 75,000 firearms and weapons were seized and destroyed.

The Byrne Formula Grants Program experienced major workload increases in both 1995 and 1996. The 1995 increase was largely due to a new requirement to make supplemental HIV awards to those States, who in 1994 complied with the requirements of the HIV program. These supplemental awards were funded with the 10% penalty that was withheld from the States that were not in compliance with the mandatory HIV requirement in 1994. The workload increase in 1996 was the result of full year appropriations remaining unavailable until April 26, 1996. By law, BJA has 30 days after enactment of appropriations to issue application kits, and the States have 45 days after the receipt of these materials to submit an official application. To minimize the potential adverse impact of the 1996 appropriations situation on grantees, BJA and State grantees worked together, and as a result, a majority of the final state awards were made prior to the "official" deadline for final application.

Examples of other Program highlights include:

- All state administrative agencies were offered intensive training (through 2 and 3-day workshops), reaching over 180 state personnel.
- A nationwide analysis of resource needs and services gaps was produced from information provided in states' strategies, which will be used to inform national priorities for funding.
- A first time study has documented in a systematic way the extent to which projects initiated using Byrne program funds have become institutionalized. Seventy-three percent (73%) of all projects for which fiscal year 1991 was the last Byrne-funded year, that were expected to be continued by the State or local recipient after Byrne funding ceased, did in fact continue. A significant portion of these projects are operational or still providing benefits to the recipients as long as 4 years after Federal support ended. This is an indication of the success of Byrne in meeting its primary goal, which is to provide support to its constituency group of State and local criminal justice agencies, to allow them to initiate innovative projects that respond effectively to crime problems and improve the operations of the Nation's criminal justice system.

PROGRAM CHANGE: In 1997, a total of \$500 million is available to the Byrne Formula Grant Program. This \$500 million was appropriated under two accounts: \$301 million is directly funded under the State and Local Law Enforcement appropriation and the balance of \$199 million is funded under the Violent Crime Reduction Programs (VCRP) appropriation. In 1998, however, the entire \$505 million for this program is requested under the VCRP. A detailed discussion of this funding request may be found under the VCRP narrative section of the OIP budget.

**OFFICE OF JUSTICE PROGRAMS
STATE AND LOCAL LAW ENFORCEMENT
PROGRAM AND PERFORMANCE INFORMATION**
(Dollars in thousands)

Edward Byrne Discretionary Grants	Amount
1997 Appropriation	\$ 60,000
1998 Base	60,000
1998 Request	<u>0</u>
Increase/Decrease	- \$ 60,000

BASE PROGRAM DESCRIPTION: The purpose of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, authorized by the Anti-Drug Abuse Act of 1988, as amended, is to assist States and units of local government in carrying out specific programs that offer a high probability of improving the functioning of the criminal justice system with special emphasis on nationwide and multi-level drug control strategies. The Anti-Drug Abuse Act of 1988, as amended, authorizes programs in 26 purpose areas to control drugs and improve the criminal justice system.

Through the Byrne Discretionary Grant Program, BJA provides leadership and guidance on crime and violence prevention and control and criminal justice system improvements at the State and local levels. BJA is authorized by Congress to make awards to public and private agencies and organizations for national scope and multi-state programs, demonstration programs, training, and technical assistance to assist States and local jurisdictions. National scope programs provide a service or product of benefit throughout the country or across multiple States or address issues of concern nationally. Demonstration programs are used to develop, test, evaluate, and document new programs and practices. Training is developed and provided to State and local criminal justice practitioners and others to provide them with state-of-the-art information on effective programs and practices. Technical assistance provides support to sites participating in demonstration programs or is available to help individual jurisdictions implement a program or practice or address a specific issue.

The 1995 Byrne Discretionary Grant Program funds were invested in several successful programs such as:

- ▶ **Drug Abuse Resistance (D.A.R.E.) Program.** Five regional D.A.R.E. Program training centers were supported with \$1.75 million. As a result, in 1995, approximately 23,000 law enforcement officers taught the D.A.R.E. Program to more than 8 million fifth grade students.

- ▶ **Comprehensive Communities Program.** BJA, in conjunction with OJJDP and the COPS Office, invested a total of \$32.6 million in reinforcing the Administration's commitment to reduce crime and violence by initiating comprehensive planning and improving intergovernmental relationships. Today, in 16 cities across the nation, these funds help support activities such as: Community Policing; Community Mobilization/Prevention; Nonviolent Dispute Resolution; Boys & Girls Clubs Demonstration; Comprehensive Gang Initiative; Community Prosecution, Community-Based Alternatives to Incarceration; and Drug Courts.
- ▶ **Comprehensive Homicide Initiative.** Funds were used to address the underlying causes of homicide, including gang violence, domestic violence, drug-related violence, and gun availability. The cities of Richmond, California, and Richmond, Virginia, were awarded funds to implement this initiative.
- ▶ Funds were also awarded for: TRIAD groups for the protection and safety of the aged against abuse, neglect, and fraud; Firearms Trafficking Program; and Tribal Strategies Against Violence.

In 1996, an additional \$6 million was provided to BJA from the Bureau of Prisons for the Church Arson Prevention Grant Program. This program is designed to enable units of county government in 13 states to participate in a National Arson Prevention Initiative initiated by the Administration. The participating counties were encouraged to work cooperatively where feasible to maximize the impact of these funds and to take advantage of mutual agreements between neighboring jurisdictions.

This 1996 program accomplished the following goals: (1) enhanced security measures in and around churches, including improved lighting, security systems, contracting for private security services or other activities which support or enhance church arson prevention; (2) hired part-time law enforcement officers to increase patrol and surveillance of churches and to work with the community to establish or expand neighborhood watch efforts focused on preventing church arson; and (3) paid overtime to presently employed law enforcement officers for the purpose of increasing the number of hours worked by such personnel resulting from increased patrol or surveillance of churches to prevent arson.

PROGRAM CHANGE: In 1997, \$60 million is appropriated under the State and Local Law Enforcement appropriation for this program. In 1998, \$75 million is requested for the Byrne Discretionary Grant Program under the VCRP appropriation. A detailed discussion of this funding request may be found under the VCRP narrative section of the OJP budget.

Office of Justice Programs
State and Local Law Enforcement
Financial Analysis - Program Changes
(Dollars in Thousands)

	Pos.	State and Local Law Enforcement WY	Amount
Byrne Formula Grants.....	==	==	(\$301,000)
Byrne Discretionary Grants.....	==	==	(80,000)
Total			(381,000)

2204

**Office of Justice Programs
State and Local Law Enforcement
Summary of Changes
(Dollars in Thousands)**

	Amount
1997 President's Request <u>J/</u> .....	...
1997 Appropriation Enacted	\$361,000
1998 Base	361,000
Program Changes:	
Byrne Formula Grants	(301,000)
Byrne Discretionary Grants	(60,000)
Total, program changes	(361,000)
1998 Estimate	0

J/ The 1997 President's Budget requested \$535 million for Byrne programs all to be derived from the Violent Crime Reduction Trust Fund.

Office of Justice Programs
 Juvenile Justice Program
 Congressional Estimates for Fiscal Year 1998
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Office of Justice Programs
Juvenile Justice Programs
Summary Statement
Fiscal Year 1998

For 1998, the Office of Justice Programs (OJP) is requesting \$230,422,000 for the Juvenile Justice Programs account, of which \$5,722,000 will be transferred to Justice Assistance for management and administration. This request represents an increase of \$55,000,000 over the 1997 appropriation enacted and will maintain all but one program at the 1997 funding level. OJP proposes to eliminate funding for the Title V - Incentive Grants for Local Delinquency Prevention Program. Funds from this program, along with the requested increase, will allow for the establishment of a new Anti-Truancy, School Violence and Crime Intervention Program which will assist communities in reducing juvenile crime through the local development and implementation of crime intervention strategies.

Office of Justice Programs
 Juvenile Justice Programs
 Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates included proposed changes in the appropriation language listed and explained below. New language is underscored and deleted material is enclosed in brackets.

Juvenile Justice Programs

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, [\$170,000,000] to remain available until expended, as authorized by section 299 of part I of title II [and section 506 of title V of the Act], as amended by Public Law 102-586, of which (1) notwithstanding any other provision of law, [\$5,000,000] shall be available for expenses authorized by part A of title II of the Act, \$86,500,000 shall be available for expenses authorized by part B of title II of the Act, and \$29,500,000 shall be available for expenses authorized by part C of title II of the Act [Provided, That \$16,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B, for innovative local law enforcement and community policing programs, to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent]; (2) \$12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile \$225,922,000

gangs; (3) \$10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) \$7,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) ~~\$20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs: Provided, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect).~~ ~~\$75,000,000 shall be available for the Anti-Traumacy, School Violence and Crime Intervention Program~~

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$4,500,000 to remain available until expended, as authorized by sections 214B of the Act.

(Department of Justice and Related Agencies Appropriations Act, 1997.)

Explanation of Changes:

1. This is instructional language that is unnecessary for the operation of the program.
2. This change deletes Title V appropriation language and includes language for the new Anti-Traumacy, School Violence and Crime Intervention Program.

Office of Justice Programs
 Juvenile Justice Programs
 Crosswalk of 1997 Changes
 (dollars in thousands)

Activity/Program	1997 President's Budget Request Pos. WY Amount	Congressional 1997 Request Pos. WY Amount	Transfers Between Accounts Pos. WY Amount	Reprogramming Pos. WY Amount	1997 Availability Pos. WY Amount
Title II - Juvenile Justice and Delinquency Prevention	-- \$100,000	-- \$21,000	-- (\$4,800)	--	-- \$116,200
Part D - Youth Gangs	-- 11,000	-- 1,000	--	--	-- 12,000
Part E - State Challenge	-- 10,000	--	--	--	-- 10,000
Part G - Juvenile Mentoring	-- 4,000	-- 3,000	--	--	-- 7,000
Title V - Local Delinquency Prevention Incentive Grants	-- 20,000	--	--	--	-- 20,000
Subtotal	-- 145,000	-- 25,000	-- (4,800)	--	-- 165,200
Victims of Child Abuse: Improving Investigation & Prosecution of Child Abuse	-- 4,500	--	--	--	-- 4,500
TOTAL, Juvenile Justice Programs	-- 149,000	-- 25,000	-- (4,800)	--	-- 169,700

Transfer Between Accounts: Reflects the \$4.8 million for Management and Administration authorized to be transferred to the Justice Assistance account.
 Note: Of the \$21 million Congress provided for Title II, Juvenile Justice and Delinquency Prevention Programs, \$16.5 million was for Part B and \$4.5 million was for Part C.

Office of Justice Programs
Juvenile Justice Program
Summary of Resources by Program
(Dollars in Thousands)

	1996 Enclosed		1996 Actual		1997 Appropriation		1998 Base		1998 Estimate		Increase/Decrease	
	Perm	Pos. WY Amount	Perm	Pos. WY Amount	Perm	Pos. WY Amount	Perm	Pos. WY Amount	Perm	Pos. WY Amount	Perm	Pos. WY Amount
Estimates by Program												
Juvenile Justice and Delinquency Prevention:												
Female grant (Part B)	--	\$68,600	--	\$68,647	--	\$64,770	--	\$64,770	--	\$64,770	--	\$0
State technical assistance (Part B)	--	1,400	--	1,245	--	1,750	--	1,750	--	1,750	--	0
Special emphasis (Part C)	--	7,270	--	6,046	--	8,500	--	8,500	--	8,500	--	0
National Institute of Juvenile												
Justice & delinquency prevention (Part C)	--	17,750	--	13,497	--	21,000	--	21,000	--	21,000	--	0
Construction of federal offices (Part A)	--	200	--	405	--	200	--	200	--	200	--	0
Part D-Grants	--	10,000	--	8,943	--	12,000	--	12,000	--	12,000	--	0
Part E-Sum Challenge	--	10,000	--	9,238	--	10,000	--	10,000	--	10,000	--	0
Part G-Juvenile Mentoring	--	4,000	--	200	--	7,000	--	7,000	--	7,000	--	0
Title V-Local Delinquency Prevention	--	20,000	--	19,967	--	20,000	--	20,000	--	0	--	(20,000)
Anti-Trafficking, School Violence and Crime												
Intervention Program	--	--	--	--	--	--	--	--	--	--	--	--
Subtotal	--	139,200	--	128,446	--	165,200	--	165,200	--	75,000	--	75,000
Subtotal	--	--	--	--	--	--	--	--	--	220,200	--	53,000
Victims of Child Abuse:												
Improving investigation and prosecution of												
child abuse	--	6,500	--	6,500	--	6,500	--	6,500	--	6,500	--	0
Subtotal	--	4,500	--	4,500	--	4,500	--	4,500	--	4,500	--	0
Subtotal	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL, Juvenile Justice	--	143,700	--	132,946	--	169,700	--	169,700	--	224,700	--	55,000

Office of Justice Programs
Juvenile Justice Program
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)

Financing:	1996 Actual		1997 Estimate		1998 Request		Increase/Decrease Pos. WY Amount
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	
Source of Reimbursement:							
Center for Disease Control.....	—	\$80	—	\$175	—	\$175	\$0
Department of Commerce.....	—	237	—	425	—	425	0
Department of Education.....	—	100	—	200	—	200	0
Department of Health and Human Services.....	—	300	—	600	—	600	0
Department of Housing & Urban Development.....	—	100	—	200	—	200	0
Department of Justice, COPS.....	—	3,990	—	8,300	—	8,300	0
Department of Labor.....	—	9	—	—	—	—	0
National Endowment for the Arts.....	—	75	—	100	—	100	0
Budgetary Resources.....	—	4,891	—	10,000	—	10,000	0
Obligations by Program:							
Juvenile Justice.....	—	4,891	—	10,000	—	10,000	0
Total.....	—	4,891	—	10,000	—	10,000	0

Good and Services Provided: Resources from Federal agencies for joint projects related to juvenile justice and delinquency prevention administered by the Office of Juvenile Justice and Delinquency Prevention.

**Office of Justice Programs
Juvenile Justice Programs
Program Performance Information
Government Performance and Results Act Requirements**

Mission: To implement a comprehensive strategy that aggressively addresses youth violence and focuses resources on programs which will result in the improvement of the operation of the juvenile justice system, development of a system of graduated sanctions for serious, violent, and chronic offenders, identification and intervention with first time offenders, and prevention of delinquency. OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders stresses the importance of using resources to maximize public safety, insure accountability, and provide treatment and rehabilitation services for juvenile offenders, as appropriate. Programs must provide a special focus on violence reduction, whether designed to target guns, gangs, and drugs, domestic violence and child abuse, school safety, conflict resolution, or other violence related issues. Such a comprehensive strategy must ensure safer communities by assisting State and local units of government, public and private agencies, organizations and institutions in the prevention, reduction, and treatment of juvenile violence and delinquency through demonstration and replication programs and improvement of the administration of juvenile justice through financial and technical support. It must also address juvenile victimization that leads to violent delinquency through improvement of the investigation and prosecution of child abuse and child exploitation, the development and implementation of multi-disciplinary child abuse investigation and prosecution programs, and through the establishment of regional and local children's advocacy centers.

Organizational Goals:

1. Develop, demonstrate, test, and disseminate programs and information on prevention, intervention, and treatment programs relating to serious and violent juvenile crime, illegal drug use, and improving the juvenile justice system.
2. Conduct research that can be applied to the development of programs for preventing and controlling juvenile delinquency, youth violence, and illegal drug use and improving the juvenile justice system.
3. Provide technical assistance and training to State and local governments, and other service providers, in the development and implementation of programs related to the prevention and control of juvenile delinquency through strengthening the juvenile justice system, public safety and law enforcement programs, delinquency prevention and early intervention programs and programs that address child abuse and improvement of Dependency Courts.

4. Disseminate information produced by research, development, and demonstration activities through training, technical assistance, and clearinghouse activities which can be utilized at the local and State levels to address the increased level of juvenile delinquency and violence they are experiencing.
5. Prevent and reduce juvenile participation in gang related delinquent activities by conducting research on issues related to juvenile gangs; demonstrating programs; evaluating the effectiveness of gang programs and activities; increasing public awareness by disseminating information; and providing technical assistance and financial support to effective gang related programs and activities.
6. Improve the quality of local and Federal child abuse prosecution and case handling by: assisting elected or appointed prosecutors in identifying and implementing improved policies, procedures, and management practices, by keeping State and Federal prosecutors abreast of the state-of-the-art of child abuse prosecution; by establishing children advocacy center programs to focus attention on the needs of child victims and non-offending family members and enhanced coordination and support among community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases.

Office of Justice Programs
Juvenile Justice Programs
Justification of Program Performance
(Dollars in Thousands)

Juvenile Justice Programs	Amounts
1997 Enacted	\$165,200
1998 Base	165,200
1998 Estimate	145,200
<i>Increase/Decrease</i>	<i>(20,000)</i>

BASE PROGRAM DESCRIPTION: The Formula Grants Program provides funds to States on the basis of population under the age of 18. To receive its allocated funds, a State or Territory must submit a three-year comprehensive plan that meets statutory criteria and demonstrates compliance with JJDPA Act core requirements. Funds may be expended for innovative programs to aggressively address the prevention of youth crime, provide system-based programs for juveniles who commit serious and violent crimes, divert appropriate juveniles from the system, and provide community-based programs and services for juvenile offenders and their families. In 1996, 56 States and Territories participated in the Formula Grants program. Under the 1992 amendments to the JJDPA Act, beginning in 1994, States must demonstrate compliance with the deinstitutionalization, separation, jail removal, and minority over-representation requirements in order to qualify for their full formula grant program allocation. Failure to comply with these requirements results in a 25 percent reduction in a State's allocation for each such failure.

The National Institute for Juvenile Justice and Delinquency Prevention (NIJDDP), within the Office of Juvenile Justice and Delinquency Prevention (OJJDP), conducts research, evaluation and program development activities to increase understanding of the risk factors for delinquency and the effects of juvenile justice policies. This information is applied to the development of promising program models, including joint initiatives with the Special Emphasis program, OJP bureaus and other Federal Agencies. The NIJDDP also serves as an information collection and dissemination center for the Office. Information on statistics and trends regarding juvenile delinquency, promising programs, and innovative juvenile justice policies and procedures are disseminated to communities through clearinghouse, training, and technical assistance activities in a manner which allows them to adopt the approaches and strategies which will work best to meet their needs.

New program development efforts funded by OJJDP's Special Emphasis Program address a wide range of national juvenile justice issues by developing and testing prototypes and demonstrating effective programs. Program information generated through the development process is disseminated to the field. Competitive awards are made to support comprehensive planning and program development in areas impacting serious and violent juvenile offenders as well as high risk youth. The design and implementation of these new efforts are coordinated with NJJDP and disseminated to Formula Grants Program fund recipients.

OJJDP, through the Coordinating Council on Juvenile Justice and Delinquency Prevention, coordinates and concentrates Federal resources on the problem of delinquency and improvement of the juvenile justice system. This includes the development of Federal youth policy and joint programs to target high risk youth.

Through the Mentoring Program three-year grants are made to local agencies for programs designed to link at-risk youth with responsible adult role models who can provide guidance, promote personal and social responsibility, increase educational participation, discourage use of illegal drugs, violence, weapon use, and other criminal activity, discourage gang involvement, and encourage participation in community service and activities.

In 1996 and 1997, Incentive Grants for Local Delinquency Prevention Programs were awarded under Title V, through State advisory groups, to units of general local government for a broad range of delinquency prevention programs and activities which benefited youth who had contact with or were likely to have contact with the juvenile justice system. Services to children, youth and families included recreation, tutoring and remedial education, work skills, health and mental health, alcohol and substance abuse prevention, leadership development, and accountability. Priority was given to localities that coordinated and collaborated in provision of services, involved the private nonprofit and business sectors, and developed or enhanced a Statewide subsidy or other funding program to local governments that were dedicated to early intervention and delinquency prevention.

The State Challenge Activities Program authorizes the Administrator to award grants to States participating in the Formula Grants program, in the amount of 10 percent of the State's Formula Grant allocation, for each of the challenge activities that the State agrees to undertake. There are 10 challenge activities:

1. basic health, mental health and education services for youth in the juvenile justice system;
2. access to counsel for youth in the juvenile justice system;
3. programs and criteria to increase use of community-based alternatives through objective detention and correction placement criteria;
4. establishing secure community-based corrections options for violent juvenile offenders as an alternative to training schools;

5. policies to prohibit gender bias and provide female youth with a full range of system services;
6. establishment of a State ombudsman office for complaints related to out-of-home care of juveniles;
7. appropriate removal of status offenders from juvenile court jurisdiction;
8. alternatives to school suspension and expulsion;
9. comprehensive aftercare service programs; and
10. establish a State administrative structure to coordinate program and fiscal policies for youth with emotional and behavioral problems and a Statewide case review system.

According to FBI statistics described in OJJDP's National Report on Juvenile Violence and Victimization, most violent crimes committed by juveniles take place at the end of the school day, a time when fewer opportunities for constructive activities are available. OJJDP funds after school activities at Boys and Girls Clubs. These Clubs provide young people with an attractive alternative to drug use, drug dealing, violence, and crime. OJJDP also funded programs to enhance and expand Boys and Girls Clubs in public housing to prevent youth from being involved with gangs or to intervene with those that are in the early stages of gang involvement. Boys and Girls Clubs have reached out to 6,000 youth at risk of gang involvement in 93 sites. A study by Portland University showed that 90% of these potential gang members have maintained regular contact with the club, with 48% improving their school behavior and over one-third improved their grades while an additional one-third improved their school attendance. According to a Columbia University outcome study, the OJJDP-funded Boys and Girls Clubs in public housing programs reduced the juvenile crime rate by 13%, increased rates of school attendance, and improved academic performance.

OJJDP works in school settings to address children's risk of educational failure. OJJDP funds and manages the Cities in Schools (CIS) dropout prevention program. There is a clear correlation between truancy, school failure, and school drop out and later adult criminal behavior. Through CIS and other OJJDP-supported programs, OJJDP is reducing the likelihood that these youth will become adult criminals. A 1995 Urban Institute process and impact evaluation report on the CIS program found that both attendance and academic performance of CIS students with serious problems improved and was at significantly higher levels than similar students who did not participate in the program. Seventy percent of students whose grade point averages were previously unsatisfactory improved their GPA in the first year in which they participated in the program. Because of its effectiveness, CIS has been replicated across the country and now operates in 295 communities in 28 states involving 1,025 sites serving 216,208 youth.

With Formula Grants Program funds, OJJDP initiated the Bethesda Day Treatment Program in West Milton, Pennsylvania. Discretionary funds have supported its expansion to new sites in Pennsylvania and across the country. Today the program is funded through county service contracts. This model program works intensively with court referred, nonviolent juvenile offenders

to overcome drug and alcohol problems, improve their educational skills, and change delinquent behavior patterns to reduce delinquency. Because this intensive treatment program addresses personal, family, social, and economic problems in a juvenile delinquent's life, and because it emphasizes integration into mainstream educational and employment activities while providing consequences for misconduct through restitution, the Bethesda Day Treatment program has shown excellent results. A recent study found that youth involved in the program had only a 10.4% recidivism rate -- significantly less than state and national norms. Within a cohort of 48 juveniles discharged from the treatment program, there were only five cases of recidivism within the first 12 months of discharge.

The Illinois juvenile court model for interagency information sharing, enacted in 1992, supports law enforcement, States attorneys, probation departments, juvenile courts, social service providers, and schools in the early identification and treatment of habitual juvenile offenders. This 1992 amendment to the Illinois Juvenile Court Act of 1987 authorizes an interagency committee to gather and disseminate comprehensive data to agencies in the juvenile justice system to produce more informed system decisions. This is being accomplished in part, through the establishment of a Statewide Serious Habitual Offender Comprehensive Action Program (SHOCAP) developed by OJJDP.

OJJDP has provided funding to develop, implement and evaluate community-wide gang prevention, intervention, and suppression programs; juvenile bootcamps; and intensive aftercare sites. Similar efforts are underway on OJJDP's mentoring, SafeFutures, Title V Prevention, and Pathways to Success programs. As information becomes available, OJJDP produces reports that are disseminated across the country on approaches and programs that work. These publications are distributed through OJJDP's Juvenile Justice Clearinghouse at a rate of nearly half a million copies per year. The Clearinghouse shares OJJDP publications and information through exhibits and other means with approximately 75,000 individuals attending major national, State, and local juvenile justice youth-service conferences each year. OJJDP also uses the latest technology to extend its outreach through such means as an electronic newsletter; JUVJUST, an Internet list server which currently has more than 900 subscribers; a home page on the World Wide Web which in April 1996 was accessed 2,700 times; and a series of satellite teleconferences on major topics of interest to the field. A recent conflict resolution teleconference linked over 485 sites and reached an estimated audience of more than 10,000 individuals.

In 1992, the OJJDP established the Gould-Wysinger Awards. The awards recognize federally funded youth service programs and projects that advance the objectives of the JJDPA of 1974, as amended, and promote a standard of excellence for program development and implementation in juvenile justice and delinquency prevention. The following programs, funded with Formula Grant funds, were the most recent designated winners:

Arlington County Juvenile Sex Offender Program (Arlington, Virginia) - The Program is a comprehensive treatment approach involving the adolescent offender, the offender's family, and significant systems within the community. The program intervenes with young offenders to reduce the likelihood that their behavior will escalate into more serious, violent sexual deviance. Program staff are intensively trained by national experts in sex offender treatment and sex offender case management. A recent evaluation of this program demonstrated that 91 percent of juveniles who participated did not reoffend.

The BRIDGE (Atlanta, Georgia) - The BRIDGE is an intermediate-level, residential psychiatric treatment program in a depressed Atlanta neighborhood recently designated a Federal Empowerment Zone. The BRIDGE serves troubled adolescents with a history of physical and sexual abuse. Nearly all BRIDGE youth are involved with the juvenile justice system and are placed in the program as an alternative to incarceration. This coeducational program is one of Georgia's few resources for adolescent female offenders with mental health issues. It provides comprehensive treatment for youth involved with or at risk of substance abuse, gangs, physical and sexual abuse, sexually transmitted diseases, and HIV infection. The BRIDGE also offers a comprehensive alternative school and an extensive aftercare program. OJJDP recently awarded a \$100,000 Challenge Grant for its continuation.

Utah Community Service and Restitution Program (Salt Lake City, Utah) - The Program began in May 1986 and has shown growth both in the percentage of restitution collected for victims of juvenile crime and in the number of community service hours completed. In 1995 the program collected \$1,108,103 in restitution and logged 502,400 hours of community service. The program demonstrated that juveniles who take responsibility for their actions by paying restitution, performing community service hours, or doing both are less likely to reoffend than are juveniles without sanctions.

PROGRAM CHANGE: A decrease of \$20 million is requested from the Title V program, Incentive Grants for Local Delinquency Prevention, to be used to support the new Anti-Truancy, School Violence and Crime Intervention Program within the Juvenile Justice Program.

Victims of Child Abuse Act:	Amount
1997 Appropriation Anticipated	\$4,500
1998 Base	4,500
1998 Estimate	<u>4,500</u>
<i>Increase/Decrease</i>	<i>0</i>

BASE PROGRAM DESCRIPTION: In 1992, amendments to the Victims of Child Abuse Act of 1990, P.L. 101-647, changed the administering agency for the Investigation and Prosecution of Child Abuse Program from the Office for Victims of Crime (OVC) to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Since 1993, of the total appropriation, Congress has made \$1.5 million available annually for a grant to the American Prosecutor Research Institute's (APRI) National Center for the Prosecution of Child Abuse (Center). For 1997, the base funding level of \$1.5 million is being requested. The APRI Center provides publication services, training, and technical assistance to prosecutors and other professionals involved in the prosecution of child abuse at the State, local and Federal levels. The Center's staff attends conferences and workshops throughout the country to train in techniques for the effective prosecution of child abuse. In addition, APRI's Center serves as an information clearinghouse for prosecutors, social workers, therapists, law enforcement, and clinicians involved in the prosecution of child abuse.

In 1995, \$500,000 was provided for Regional Children's Advocacy Centers and \$2 million was provided for Local Advocacy Centers, an increase of \$1 million over 1994. In 1996 and 1997, the same level of funding was provided to the regional and local advocacy centers as was provided in 1995. Congress also provided \$500,000 for the National Network of Children's Advocacy Centers. These Centers had previously been funded within the Title II - Juvenile Justice and Delinquency Prevention-activity. Continuation funding at the 1997 level is recommended for the Children's Advocacy Centers Program in 1998.

**Office of Justice Programs
Juvenile Justice Programs
Justification of Program and Performance
(Dollars in thousands)**

ANTI-TRUANCY, SCHOOL VIOLENCE AND CRIME INTERVENTION PROGRAM

Mission: To provide funds to assist communities in reducing juvenile crime through the local development and implementation of crime intervention strategies.

General goal: To provide grants to local communities to support juvenile crime intervention activities designed to address anti-truancy, school violence and future crime and delinquency by contributing to positive youth development, and to respond to state identified needs and locally developed comprehensive plans addressing youth who have had, or are at high risk of having, contact with the juvenile justice system.

Anti-Truancy, School Violence and Crime Intervention Program		Amounts
1997 Request		--
1998 Base		--
1998 Estimate		\$75,000
	<i>Increase/Decrease</i>	\$75,000

BASE PROGRAM DESCRIPTION: These funds would enable local communities to attack truancy, school violence and juvenile crime. The funds, distributed through the States, would support communities in being actively involved in the identification of their local problems, determination of needs to be addressed, and the development and implementation of locally determined solutions to the juvenile crime they are experiencing. The range of activities that these funds will support, among other activities, includes: truancy and dropout prevention programs, after school programs, curfew enforcement efforts, mentoring, violence reduction strategies such as dispute resolution training, day treatment and intensive supervision services, job skills training, alcohol and substance abuse prevention services, leadership development training, accountability and responsibility education, parent accountability and family strengthening interventions, restitution and community services activities, and teen courts and other community level juvenile crime intervention efforts involving youth. Schools and other community-based locations would be settings where these activities could be administered and carried out.

PROGRAM CHANGE: In 1998, the \$20 million Title V prevention program is eliminated and this new program will be established at the \$75 million level to support local juvenile crime intervention programs and strategies. This new funding will expand critically needed intervention services to high-risk youth and enable more communities to acquire funding for such activities and programs.

PERFORMANCE MEASUREMENT TABLE PRESENTED BY DECISION UNIT

DECISION UNIT: Juvenile Justice Program									
MISSION: To implement a comprehensive strategy that aggressively addresses youth violence and focuses resources on programs which will result in the improvement of the operation of the juvenile justice system, development of a system of graduated sanctions for serious, violent, and chronic offenders, identification and intervention with first time offenders, and prevention of delinquency. OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders stresses the importance of using resources to maximize public safety, ensure accountability, and provide treatment and rehabilitation services for juvenile offenders, as appropriate. Programs must provide a special focus on violence reduction, whether designed to target gangs, gangs, and drugs, domestic violence and child abuse, school safety, conflict resolution, or other violence related issues. Such a comprehensive strategy must ensure after consultation by assisting State and local units of government, public and private agencies, organizations and institutions in the prevention, reduction, and treatment of juvenile violence and delinquency through demonstration and replication programs and improvement of the administration of juvenile justice through financial and technical support. It must also address juvenile victimization that leads to violent delinquency through improvement of the investigation and prosecution of child abuse and child exploitation, the development and implementation of multi-disciplinary child abuse investigation and prosecution programs, and through the establishment of regional and local children's advocacy centers.									
PERFORMANCE INDICATOR INFORMATION									
Type of Indicator	Performance Indicators	1995 Actual	1995 Target	1996 Actual	1996 Target	1997 Actual	1997 Target	1998 Actual	1998 Target
Input	1. Appropriation (dollars in thousands) 2. Number of applications received for Title II, formula grant and ILLECP Program applications 3. Number of Prevention Incentive Grants applications received 4. Number of Part E - Challenge Grant applications received 5. Discretionary grant programs designed and developed 6. Number of technical assistance/training requests received	\$143,700 56 54 53 12 30,623	\$143,700 57 54 56 11 32,952	\$143,700 57 54 56 14 34,674	\$143,700 57 54 57 605 100	\$169,700 57 57 57 431 105	\$169,700 57 57 57 431 105	\$149,700 57 57 57 300 105	\$149,700 57 57 57 300 105
Output/Activity	7. Number of formula grant and ILLECP Program awards made 8. Number of Prevention Incentive Grants made 9. Number of Part E - Challenge grant awards made 10. Number of discretionary applications/concept papers reviewed 11. Number of discretionary awards made 12. Number of responses to technical assistance/training requests	55 55 53 470 187 33,390	57 57 57 146 102 32,919	55 57 54 605 100 32,375	55 57 54 605 100 32,375	57 57 57 431 105 34,744	57 57 57 431 105 34,744	56 0 57 300 105 37,750	56 0 57 300 105 37,750
Intermediate Outcome	13. Number of State Agency personnel and State Advisory Group members trained on JIDP Act requirements 14. Number of community leaders trained on risk focused prevention 15. Number of on-site monitoring visits to States 16. Number of on-site compliance audits in States 17. Number of monitoring site visits made end of planning/diagnosis/coordination sessions conducted (discretionary)	160 1,582 25 21 300	300 1,000 35 10 285	300 485 34 8 224	300 485 34 8 224	840 1,000 57 24 255	840 1,000 57 24 255	840 1,000 57 24 255	840 1,000 57 24 255

End Outcome	18. Number of States in compliance with core requirements: - section 223 (a)(12) - section 223 (a)(13) - section 223 (a)(14) - section 223 (a)(23) 19. Number of communities implementing Title V risk focused prevention programs 20. Number of Challenge Activities implemented by States 21. Number of practitioners trained (includes trainers) 22. Number of jurisdictions receiving technical assistance	54 55 57 57 56 97 115 32,249 2,288	57 57 57 57 300 56 31,538 1,524	56 55 51 51 332 122 42,425 1,671	57 57 57 57 332 122 43,000 1,700
Productivity Efficiency	23. Average Full-Time Equivalent per State assigned 24. Average number of grants per State representative 25. Number of States in full compliance with core requirements of the JJDP Act 26. Average number of projects per program manager 27. Average number of staff technical assistance hours annually in support of program implementation	124 21 53 23 7,606	124 21 57 31 7,503	124 24 51 21 12,852	124 32 57 30 13,000
A. Definitions of Terms or Explanations for Indicators:					
JJDP Act: Juvenile Justice and Delinquency Prevention Act, as amended in 1992 Section 223(a)(12): deinstitutionalization of status offenders - i.e., young people who commit an offense that would not be punishable for an adult. Section 223(a)(13): separation of juveniles and adults in secure facilities; Section 223(a)(14): removal of juveniles from adult jails and lockups; Section 223(a)(23): elimination of disproportionate minority confinement, in jurisdictions where it exists. (7,8,9,14,18,19) - include VOCA programs. (6) - More requests for technical assistance/training are "received" than resources are available for "response" (10). (10) - Information drawn from research and practice are "packaged" and disseminated in discrete program areas as an efficient/cost effective approach to delivery of technical assistance. (19) - "practitioners" includes trainers who will in turn train other practitioners, thus multiplying skills and knowledge development.					
B. Factors Affecting 1996 Program Performance.					
N/A					
C. Factors Affecting Selection of 1997 and 1998 Targets.					
Changing trends in the States may affect States' compliance. Availability of OJJDP funds may affect number of training and technical assistance events, program awards and overall capability to meet legislative requirements of the JJDP Act.					

Narrative Performance Indicators: According to FBI statistics described in OJJDP's National Report on Juvenile Violence and Victimization, most violent crimes committed by juveniles take place at the end of the school day, a time when fewer opportunities for constructive activities are available. OJJDP funds after school activities at Boys and Girls Clubs. These Clubs provide young people with an attractive alternative to drug use, drug dealing, violence, and crime. OJJDP also funded programs to enhance and expand Boys and Girls Clubs in public housing to prevent youth from being involved with gangs or to intervene with those that are in the early stages of gang involvement. Boys and Girls Clubs have reached out to 6,000 youth at risk of gang involvement in 93 sites. A study by Portland University showed that 90% of these potential gang members have maintained regular contact with the club, with 48% improving their school behavior and over one-third improved their grades while an additional one-third improved their school attendance. According to a Columbia University outcome study, the OJJDP-funded Boys and Girls Clubs in public housing programs reduced the juvenile crime rate by 15%, increased rates of school attendance, and improved academic performance.

OJJDP works in school settings to address children's risk of educational failure. OJJDP funds and manages the Cities in Schools (CIS) dropout prevention program. There is a clear correlation between truancy, school failure, and school drop out and later adult criminal behavior. Through CIS and other OJJDP-supported programs, OJJDP is reducing the likelihood that these youth will become adult criminals. A 1995 Urban Institute process and impact evaluation report on the CIS program found that both attendance and academic performance of CIS students with serious problems improved and was at significantly higher levels than similar students who did not participate in the program. Seventy percent of students whose grade point averages were previously unsatisfactory improved their GPA in the first year in which they participated in the program. Because of its effectiveness, CIS has been replicated across the country and now operates in 295 communities in 28 states involving 1,025 sites serving 216,208 youth.

With Formula Grants Program funds, OJJDP initiated the Bethesda Day Treatment Program in West Milton, Pennsylvania. Discretionary funds have supported its expansion to new sites in Pennsylvania and across the country. Today the program is funded through county service contracts. This model program works interactively with court referred, nonviolent juvenile offenders to overcome drug and alcohol problems, improve their educational skills, and change delinquent behavior patterns to reduce delinquency. Because this intensive treatment program addresses personal, family, social, and economic problems in a juvenile delinquent's life, and because it emphasizes integration into mainstream educational and employment activities while providing consequences for misconduct through restitution, the Bethesda Day Treatment program has shown excellent results. A recent study found that youth involved in the program had only a 10.4% recidivism rate -- significantly less than state and national norms. Within a cohort of 48 juveniles discharged from the treatment program, there were only five cases of recidivism within the first 12 months of discharge.

The Illinois juvenile court model for interagency information sharing, enacted in 1992, supports law enforcement, States attorneys, probation departments, juvenile courts, social service providers, and schools in the early identification and treatment of habitual juvenile offenders. This 1992 amendment to the Illinois Juvenile Court Act of 1987 authorizes an interagency committee to gather and disseminate comprehensive data to agencies in the juvenile justice system to produce more informed system decisions. This is being accomplished in part, through the establishment of a Statewide Serious Habitual Offender Comprehensive Action Program (SHOCAP) developed by OJJDP.

OJJDP has provided funding to develop, implement and evaluate community-wide gang prevention, intervention, and suppression programs; juvenile bootcamps; and intensive aftercare sites. Similar efforts are underway on OJJDP's mentoring, Safe Futures, Title V Prevention, and Pathways to Success programs. As information becomes available, OJJDP produces reports that are disseminated across the country on approaches and programs that work. These publications are distributed through OJJDP's Juvenile Justice Clearinghouse at a rate of nearly half a million copies per year. The Clearinghouse shares OJJDP publications and information through exhibits and other means with approximately 75,000 individuals attending major national, State, and local juvenile justice youth-service conferences each year. OJJDP also uses the latest technology to extend its outreach through such means as an electronic newsletter, JUVJUST, an Internet list server which currently has more than 900 subscribers; a home page on the World Wide Web which in April 1996 was accessed 2,700 times; and a series of satellite teleconferences on major topics of interest to the field. A recent conflict resolution teleconference linked over 485 sites and reached an estimated audience of more than 10,000 individuals.

In 1992, the OJJDP established the Gould Wyringer Awards. The awards recognize federally funded youth service programs and projects that advance the objectives of the JJDPA Act of 1974, as amended, and promote a standard of excellence for program development and implementation in juvenile justice and delinquency prevention. The following programs, funded with Formula Grant funds, were the most recent designated winners:

The BRIDGE (Atlanta, Georgia) - The BRIDGE is an intermediate-level, residential psychiatric treatment program in a depressed Atlanta neighborhood recently designated a Federal Empowerment Zone. The BRIDGE serves troubled adolescents with a history of physical and sexual abuse. Nearly all BRIDGE youth are involved with the juvenile justice system and are placed in the program as an alternative to incarceration. This educational program is one of Georgia's few resources for adolescent female offenders with mental health issues. It provides comprehensive treatment for youth involved with or at risk of substance abuse, gangs, physical and sexual abuse, sexually transmitted diseases, and HIV infection. The BRIDGE also offers a comprehensive alternative school and an extensive aftercare program. OJJDP recently awarded a \$100,000 Challenge Grant for its continuation.

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PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Anti-Truancy, School Violence and Crime Intervention Program							
MISSION: To provide funds to assist communities in reducing juvenile crime through the local development and implementation of crime intervention strategies.							
PERFORMANCE INDICATOR INFORMATION							
Type of Indicator	Performance Indicators	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target	
Input	1. Appropriations (dollars in thousands) 2. Number of applications received	N/A N/A	N/A N/A	N/A N/A	N/A N/A	\$75,000 56	
Output/Activity	3. Number of awards made	N/A	N/A	N/A	N/A	56	
Intermediate Outcome	4. Number of monitoring site visits made	N/A	N/A	N/A	N/A	56	
End Outcome	5. Average number of grants per State Representative	N/A	N/A	N/A	N/A	7	
A. Definitions of Terms or Explanations for Indicators: N/A							
B. Factors Affecting 1996 Program Performance: N/A							
C. Factors Affecting Selection of 1997 and 1998 Targets: N/A							

Office of Justice Programs
 Juvenile Justice Programs
 Financial Analysis - Program Changes
 (Dollars in thousands)

	Title V - Local Delinquency Prevention		Anti-Truancy, School Violence & Crime Intervention Program		Part C - Discretionary		Total	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Grants, Subsidies and Contributions	---	---	---	---	---	---	---	---
		(20,000)		75,000		---		55,000
Total	---	(20,000)	---	75,000	---	---	---	55,000

Office of Justice Programs
 Juvenile Justice Programs
 1998 Priority Ranking

BASE PROGRAM		PROGRAM INCREASES	
Program	Ranking	Program	Ranking
Juvenile Justice Programs.....	1	Anti-Truancy, School Violence and Crime Intervention Program.....	1
Victims of Child Abuse.....	2		

Office of Justice Programs
 Juvenile Justice Program
 Summary of Changes
 (Dollars in thousands)

	Perm.	Work- Est.	Years	Amount
1997 President's request.....	\$149,500
Transfer to Justice Assistance for management and administration.....	(4,800)
Program Change.....	23,000
1997 Appropriation.....	169,700
Adjustments:				
Mandatory increase.....	922
Transfer to Justice Assistance for management and administration.....	(922)
1998 Base.....	169,700
Adjustments to base:				
Program Change - Title V Incentive Grants for Local Delinquency Prevention Program.....	(20,000)
Program Change - Incentive Grants for Anti-Trauma, School Violence and Crime Intervention Program.....	75,000
1998 Estimate.....	224,700

Office of Justice Programs
 Federal Justice Programs
 Summary of Requirements by Grade and Object Class
 (Dollars in Thousands)

Object Class	1996 Actual		1997 Appropriation		1998 Request		Increase/Decrease 1998 Request vs. 1997
	FTE	Amount	FTE	Amount	FTE	Amount	FTE
11.1 Full-Time Personnel							
11.3 Other Than Full-Time							
11.5 Other Personnel Compensation							
11.8 Special Personnel Services Prizes							
Total	0.0	0	0.0	0	0.0	0	0.0
Other Objects							
12 Personnel Benefits							
13 Benefits for Former Personnel							
21 Travel and Transportation of Persons							
22 Transportation of Things							
23.1 GSA Item							
23.2 Rental Payments to Others							
23.3 Communications, Utilities, and Misc.							
24 Printing and Reproduction							
25.1 Contracting Services							
25.2 Other Services							
25.3 Purchases of Goods and Services from Government Accounts							
26 Supplies and Materials							
31 Equipment							
41 Grants, Subsidies and Com. Awards							
Total Obligations							
Unobligated balance, start of year							
Unobligated balance, transferred in							
Unobligated balance, transferred out							
Unobligated balance, end of year							
Total Requirements							
Relation of Obligations to Outlays							
Total Obligations							
Obligated balance, start of year							
Obligated balance, transferred in							
Obligated balance, transferred out							
Obligated balance, end of year							
Outlays							

Office of Justice Programs
Public Safety Officers Benefits Program
Congressional Estimates for Fiscal Year 1998
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Office of Justice Programs
Public Safety Officers' Benefits
Summary Statement
Fiscal Year 1998

For 1998, the Office of Justice Programs is requesting a total of \$35,267,000 for the Public Safety Officers' Benefits (PSOB) Program. The includes a \$2,000,000 increase over 1997 to fund the newly authorized Education Assistance Benefits program, as well as \$2,264,000 for disability benefits and \$31,003,000 for death payments.

Office of Justice Programs
Public Safety Officers' Benefits
Justification of Proposed Changes in Appropriation Language

The 1998 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Public Safety Officers Benefits

<p>[For] payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, [to remain available until expended,] as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340)[, and, in addition, \$2,200,000, to remain available until expended,] for payments as authorized by section 1201(b) of said Act.</p>	<p>To remain available until expended, for and, \$2,000,000 for the Federal Law Enforcement Education Assistance Program, as authorized by section 1212 of said Act</p>
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Department of Justice and Related Agencies Appropriations Act, 1997.)

Explanation of changes:

1. This change reflects funding for the educational payments program authorized by the Federal Law Enforcement Dependents Assistance Act of 1996, Public Law 104-238 (110 Stat 3114).

Office of Justice Programs
Public Safety Officers Benefits
Crosswalk of 1987 Changes
(Dollars in thousands)

Activity/ Program	1987 President's Budget Request		Congressional Appropriation Actions on Request		Reprogramming		1987 Appropriation Enacted	
	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount	Pos	WY Amount
Public Safety Officers Benefits Program:								
Death Benefits	--	\$30,126	--	--	--	--	--	\$30,126
Disability Benefits	--	2,200	--	--	--	--	--	2,200
TOTAL, PSOB	--	32,326	--	--	--	--	--	32,326

Office of Justice Programs
Public Safety Officers' Benefits
Summary of Requirements
(Dollars in thousands)

Adjustment to Base:	1997 Enacted		1998 Base		1998 Estimate		Increase/Decrease	
	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount
1997 Appropriation Enacted
Increase
1998 Base
Program Changes - Federal Law Enforcement Dependents Assistance Program (See Program Narrative for Details)
1998 Estimate

2238

Estimates by Budget Activity	1997 Enacted		1998 Base		1998 Estimate		Increase/Decrease	
	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount	Perm Pos.	WY Amount
1. Public Safety Officers' Benefits Programs:
Death Benefits	..	\$30,128	..	\$31,003	..	\$31,003	..	..
Disability Benefits	..	2,200	..	2,284	..	2,284	..	..
Education Assistance Benefits	2,000	..	2,000
Total	..	32,328	..	33,287	..	36,287	..	2,000

Office of Justice Programs
Public Safety Officers' Benefits Program
Summary of Resources by Program
(dollars in thousands)

Estimate by Program	1996 Enacted		1996 Actual		1997 Appropriation		1998 Base		1998 Estimate		Increase/Decrease	
	Perm	Pos. WY Amount	Perm	Pos. WY Amount	Perm	Pos. WY Amount	Perm	Pos. WY Amount	Perm	Pos. WY Amount	Perm	Pos. WY Amount
PSOB Death Benefits	—	\$28,474	—	\$22,100	—	\$30,126	—	\$31,003	—	\$31,003	—	—
PSOB Disability Benefits	—	2,134	—	421	—	2,200	—	2,264	—	2,264	—	—
PSOB Education Assist. Benefits	—	—	—	—	—	—	—	—	—	2,000	—	\$2,000
TOTAL	—	30,608	—	22,521	—	32,326	—	33,267	—	35,267	—	2,000

Office of Justice Programs
Public Safety Officers' Benefits

Mission: To provide a death benefit payment to eligible survivors of Federal, State, and local public safety officers who have died as a result of personal (traumatic) injury sustained in the line of duty, a disability benefit payment to Federal, State, and local public safety officers who are permanently and totally disabled as the direct result of a catastrophic personal (traumatic) injury sustained in the line of duty, or to provide payments for education purposes to children and spouses of eligible Federal, civilian law enforcement officers killed or disabled in the line of duty.

Organizational Goals:

1. To pay eligible death benefit claims within two weeks of the filing of a fully documented claim and to pay eligible disability benefit claims, and educational assistance claims within six weeks of filing a fully documented claim.
2. To issue determinations on ineligible death benefit claims within four weeks of the filing of the fully documented claim and to issue determinations on ineligible disability benefit claims, and educational assistance claims within six weeks of the filing of the fully documented claim.
3. To conduct an appeal hearing within 60 days of an appellant's request.
4. To issue the appeal determination within 30 days of the official close of the appeal hearing.
5. To handle each death benefit, disability, and educational assistance claim with the utmost dignity, sensitivity, and professionalism.
6. To continuously look for opportunities to better serve the public safety community before, during, and after tragedies involving the death or disability of public safety officers, e.g., using information available to the PSOB program office to enhance officer safety training.

Office of Justice Programs
Public Safety Officers' Benefits
Justification of Program and Performance

Public Safety Officers' Benefits	
1997 Availability	\$32,326
1998 Base	33,267
1998 Estimate	<u>35,267</u>
Increase/Decrease	2,000

BASE PROGRAM DESCRIPTION: The Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Public Safety Officers' Benefits Act of 1976, established the Public Safety Officers' Benefits Program. The Anti-Drug Abuse Act of 1988 (P.L. 100-690)(42 U.S.C. 3796), authorized a basic death benefit payment of \$100,000 when a Federal, State, or local law enforcement officer, firefighter, corrections officer, judicial official, or public ambulance or rescue squad member dies as the direct and proximate result of a traumatic injury sustained in the line of duty. The Act also provided for an annual cost of living escalator tied to the Consumer Price Index (CPI). This escalator, on October 1 of every year, increases the benefit by the percentage of increase in the CPI. If a spouse and eligible children survive, the widow/widower receives one-half of the benefit, and the remaining one-half is apportioned among the children. If there is no spouse and there are eligible children, the full benefit is apportioned among the eligible children. If there are no eligible children, then the spouse receives the full benefit. Parents are eligible for the death benefit when a spouse and/or eligible children do not survive the deceased public safety officer. The Crime Control Act of 1990, provided authority for a new Public Safety Officers' Disability Program. Federal, State, and local public safety officers are eligible for the disability payment when permanently and totally disabled as the direct result of a catastrophic injury received in the line of duty on or after November 29, 1990. Each year, the amount of the disability benefit payment is adjusted by the annual percentage change in the CPI. The death and disability benefit increased from \$123,520 in 1993 to \$127,499 in 1994, an increase of 3.2 percent. In 1995, the benefit payment was \$130,416, a 2.3 percent increase over 1994. In 1996, the benefit payment was \$134,571, a 3.1 percent increase over 1995. The 1997 benefit payment is \$138,461, a 2.9 percent increase over 1996. The request for 1998 includes funds for the estimated annual change in the Consumer Price Index.

The Federal Law Enforcement Dependents Assistance Act of 1996, P.L. 104-238 (110 Stat 3114), signed October 3, 1996, authorized the Education Assistance to Dependents Program. This Act amended the Public Safety Officers' Benefits Act and states that based on the availability of appropriations, the program will provide payments for education purposes to children or spouses of Federal, civilian law enforcement officers killed or disabled in the line of duty. Financial assistance consists of direct payments to an eligible dependent and is computed on the basis set forth in section 3532 of title 38, United States Code. A dependent cannot receive assistance for longer than 45 months of full-time education or training (or a proportional period of time for a part-time program), and is not eligible for assistance after the child's 27th birthday (unless there are extraordinary circumstances that precluded the child from pursuing a program of education before reaching 27). A person seeking assistance under this program submits an application to the Attorney General, and is notified of approval or disapproval in writing. Educational assistance can be discontinued if it is found that, according to the regularly prescribed standards and practices of the educational institution, the recipient fails to maintain satisfactory progress as described in section 484(c) of the Higher Education Act of 1965. A dependent of a Federal law enforcement officer killed in the line of duty on or after May 1, 1992, is eligible for assistance, and retroactive assistance may be provided to eligible dependents for each month a program of education was pursued.

Generally, the PSOB program staff receives a death report within one week of the public safety officer's death, usually from the employing agency. When notice is received from other than the employing agency, PSOB staff will initiate direct contact. Employing agencies generally take from 60-120 days to file a complete claim. Eligible claims are paid within two weeks of the receipt of full documentation; ineligible claims are processed within four weeks of being filed and documented. When a claim is denied, appeal instructions are provided to the claimant. Appeals are heard within 60 days of the claimant's request (contingent on the availability of hearing officers who are serving on collateral duty, and the availability of appellant's legal representative), and decisions are rendered within 30 days of the official close of the appeal hearing. Hearing officer findings may be appealed to the Director of the Bureau of Justice Assistance. Once an appeal is heard by the agency and a denial affirmed, the claimant may appeal directly to the U.S. Claims Court. Claims entering the Federal court system may take from six months to two years or more to resolve, depending on how rapidly the court and the claimant's attorney respond to statutory and procedural requirements.

While death reports had been steadily decreasing from 322 in 1989, to the lowest level of 204 in 1992, this trend leveled off in 1993 when 226 deaths were reported, an increase of 22 over 1992. This increase was due primarily to several incidents during which multiple deaths occurred. During 1994, death reports increased substantially, again due to several incidents during which multiple deaths occurred--14 Federal firefighters killed fighting a Colorado forest fire; 2 Federal firefighters killed en route to a

New Mexico forest fire; and ⁵ DEA agents killed in an airplane crash in Peru. Aside from these 21 deaths resulting from tragic incidents, death reports still appear to be increasing slightly. There were 262 deaths reported in 1994, and 270 in 1995. The 1995 figure includes losses suffered in the Oklahoma City bombing. In 1996, there were 226 deaths reported.

Disability claims cannot be initiated until the disabled officer has been permanently separated from his or her public safety agency and has been awarded maximum worker's compensation benefits associated with the officer's permanent and total disability. After receipt of the foregoing prerequisite disability certification from the disabled officer's employer, PSOB staff officially initiate the disability claim. This "prerequisite" procedure prevents PSOB staff from being inundated with disability claims that do not meet the "total and permanent" PSOB disability requirement. Employing agencies generally take from 60-120 days to file a complete claim. Because medical reviews are needed on all disability claims, both eligible and ineligible claims are processed within six weeks of being filed and fully documented. Eligible claims are not paid until the end of the fiscal year in the event more claims are received than funds are available to pay the full benefit amount. In such cases, the benefit payment to each officer must be reduced by a proportionate share in accordance with the Disability Program legislation. Ineligible claims may be appealed subject to the same time frames that apply for the Death Benefits Program.

For the same reasons that death claims are difficult to project, it is also difficult to project the volume of disability claims that will be received. Seven claims for disability benefits were initiated in 1992, eleven in 1993, six in 1994, seven in 1995, and five in 1996. Up to 15 disability claims are expected for 1997 and 30 for 1998. Inquiries are steadily increasing and a general awareness of the program has been growing throughout the nation and among public safety agencies.

The November 18, 1988, amendment to the Public Safety Officers' Benefits Act (Anti-Drug Abuse Act of 1988, P.L. 100-690) authorizes the use of up to \$150,000 of PSOB funds to establish national programs to assist the families of public safety officers who have died in the line of duty. Accordingly, Concerns of Police Survivors, Inc. (COPS) has received approximately \$150,000 each year since 1989 to carry out this Congressional mandate. It is anticipated that \$150,000 will continue to be provided to this organization in 1998. COPS is an organization that coordinates and directs a national network that responds with psychological and emotional support to families and coworkers of public safety officers who have died in the line of duty. This network consists of families of deceased public safety officers who have come through that deeply traumatic experience to take up, once again, reasonably normal, productive lives. Each May 14-16, COPS conducts their annual National Survivor Family Conference in Washington, D.C., for law enforcement survivor families throughout the Nation. This conference is held in conjunction with the National Law Enforcement Officers' Memorial Service on May 15 of each year. Beginning in 1996, COPS also received Byrne

discretionary funds to update research on departmental readiness to handle line of duty deaths, develop case studies of fatalities to enhance officer safety training, and to conduct regional training sessions on line of duty deaths for law enforcement agencies.

PROGRAM CHANGES:

	Amount
Federal Law Enforcement Dependents Assistance Act.....	\$2,000

This proposed initiative would provide payments for education purposes to the children and spouses of Federal, civilian law enforcement officers killed or disabled in the line of duty, as authorized under the Federal Law Enforcement Dependents Assistance Act of 1996 (P.L. 104-238).

PERFORMANCE MEASUREMENT TABLE: PRESENTED BY DECISION UNIT

DECISION UNIT: Public Safety Officers' Benefits									
MISSION: To provide a death benefit to eligible survivors of federal, state, and local public safety officers who have died as a result of personal injury sustained in the line of duty or a disability benefit payment to federal, state, and local public safety officers who are permanently and totally disabled as the direct result of a catastrophic personal injury received in the line of duty and to provide educational assistance to the dependents of federal law enforcement officials who are killed or disabled in the performance of their duties.									
Type of Indicator	Performance Indicators	PERFORMANCE INDICATOR INFORMATION							
		1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target			
Input	1. Appropriations (Dollars in Thousands)	\$29,717	\$30,608	\$30,608	\$32,326	\$33,267			
	2. Number of claims initiated	270	250	226	250	250			
	3. Number of agency appeals requested	7	15	5	15	15			
	4. Number of court appeals initiated	10	15	12	15	15			
	5. Number of applications for educational assistance received	3	5	0	5	5			
	6. Number of claims reviewed	0	2	1	2	2			
	7. Number of agency appeals reviewed	0	1	0	1	1			
	8. Number of court appeals reviewed	N/A	N/A	N/A	N/A	N/A			
	9. Number of applications for educational assistance reviewed	359	250	226	250	250			
	10. Process eligible death claims within two weeks of being filed and fully documented	11	15	5	15	15			
Output/Activity	11. Process eligible death claims within four weeks of being filed and fully documented	10	15	12	15	15			
	12. Process eligible/ineligible disability claims within 6 weeks of being filed and fully documented	3	5	0	5	5			
	13. Hear appeals within 60 days of claimant's request	0	2	1	2	2			
	14. Render decisions on appeals within 90 days of the official close of the appeal hearing	0	1	0	1	1			
	15. % of applications for educational assistance processed within 120 days	N/A	N/A	N/A	N/A	N/A			
Intermediate Outcomes	16. Process eligible death claims within two weeks of being filed and fully documented	148	250	184	223	223			
	17. Process eligible death claims within four weeks of being filed and fully documented	21	25	35	25	25			
	18. Process eligible/ineligible disability claims within 6 weeks of being filed and fully documented	4	15	4	15	15			
	19. Hear appeals within 60 days of claimant's request	6	15	0	15	15			
	20. Render decisions on appeals within 90 days of the official close of the appeal hearing	9	15	2	15	15			
		N/A	N/A	N/A	N/A	N/A			
						80%			

Office of Justice Programs
Public Safety Officers Benefits
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual FTE	1994 Actual Amount	1997 Estimate FTE	1997 Estimate Amount	1998 Request FTE	1998 Request Amount	Increase/Decrease FTE	Increase/Decrease Amount
11.1 Full-Time Permanent.....	—	—	—	—	—	—	—	—
11.3 Other Than Full-Time.....	—	—	—	—	—	—	—	—
11.5 Other Personnel Compensation.....	—	—	—	—	—	—	—	—
11.8 Special Personnel Services Payroll.....	0.0	0	0.0	0	0.0	0	0.0	0
Total.....	—	—	—	—	—	—	—	—
12 Personnel Benefits.....	—	—	—	—	—	—	—	—
13 Benefits for Former Personnel.....	—	—	—	—	—	—	—	—
21 Travel and Transportation of Persons.....	—	—	—	—	—	—	—	—
22 Transportation of Things.....	—	—	—	—	—	—	—	—
23.1 GSA Rent.....	—	—	—	—	—	—	—	—
23.2 Rental Payments to Others.....	—	—	—	—	—	—	—	—
23.3 Communications, Utilities, and Mail.....	—	—	—	—	—	—	—	—
24 Printing and Reproduction.....	—	—	—	—	—	—	—	—
25.2 Other Services.....	—	\$90	—	—	—	—	—	—
26 Supplies and Materials.....	—	—	—	—	—	—	—	—
31 Equipment.....	—	150	—	\$150	—	\$150	—	—
41 Grants, Subsidies and Contributions.....	—	22,371	—	36,699	—	36,117	—	(\$1,782)
42 Insurance Claims and Indemnities.....	—	—	—	—	—	—	—	—
Total Obligations.....	—	22,561	—	37,049	—	36,267	—	(1,782)
Unobligated balance, start of year.....	—	(10,189)	—	(18,949)	—	—	—	18,949
Unobligated balance, end of year.....	—	2,248	—	11,226	—	—	—	(11,226)
Unobligated balance, end of year.....	—	13,248	—	—	—	—	—	0
Total Requirements.....	—	30,809	—	32,326	—	36,267	—	2,941
Reconciliation of Obligations to Outlays:								
Total Obligations.....	—	22,561	—	37,049	—	36,267	—	—
Outlays, start of year.....	—	94	—	1,335	—	—	—	—
Outlays, end of year.....	—	(1,335)	—	—	—	—	—	—
Outlays.....	—	21,800 *	—	36,364	—	36,267	—	—

Note: This amount does not agree with the President's budget of \$24,076 million. The \$1,246 million difference represents the unused 1994 Death Benefits Program funds that were returned to Treasury.

Department of Justice
Office of Justice Programs
Crime Victims Fund
Congressional Estimates for Fiscal Year 1998
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Office of Justice Programs

Crime Victims Fund

Summary Statement

Fiscal Year 1998

The Crime Victims Fund was established by the Victims of Crime Act of 1984, as amended. The authorizing legislation provides for the deposit of federal criminal fines, bond forfeitures, and penalty assessments into the Crime Victims Fund. There is no ceiling on sums that may be deposited into the Fund. In 1997, collections available to OVC, for use in 1998, are expected to total \$176,533,000.

Office of Justice Programs
Crime Victim Fund
Summary of Requirements
(Dollars in thousands)

	1996 Estimate	1997 Estimate	1998 Estimate
Financing			
Unappropriated balance, start of year.....	\$23,907	\$528,942	\$176,553
Collections/deposits/receipts *	528,942	176,553	181,143
Transfer to general fund receipts.....	....	....	....
Transfer to Administrative Office of U.S. Courts.....	(6,200)	....	....
Unappropriated balance, end of year.....	(528,942)	(176,553)	(181,143)
Appropriation.....	227,707	528,942	176,553
Recovery of prior year obligations.....	185	....	....
Unobligated balance available, start of year.....	26,123 a/	24,485 b/	22,000
Unobligated balance lapsing.....	(2,216)	....	....
Unobligated balance transferred from Administrative Office of U.S. Courts.....	....	19,000	....
Unobligated balance available, end of year.....	(24,485)	(22,000)	....
Obligations.....	227,314	550,427	198,553
Obligations by Program			
Victims Compensation.....	83,952	74,265	91,448
Victim Assistance.....	127,403	397,254	91,448
HHS/Children's Justice.....	8,332	8,668	8,500
Children's Justice/ Native American.....	1,986	1,970	1,500
Federal Program.....	5,566	18,270	5,657
Reserve.....	75	50,000	....
Total Obligations.....	227,314	550,427	198,553

* Funds are obligated the year after they are collected.

a/ Includes \$20 million reserve established in 1995 and carried into 1996.

b/ Includes \$19.9 million reserve established in 1995 and carried into 1997.

Office of Justice Programs
Crime Victims Fund

Mission: To enhance the Nation's capacity to assist crime victims and provide leadership in changing attitudes and practices to promote justice and healing for all victims of crime.

General Goal: Improve the criminal justice system response to victims of crime, including Native American crime victims, through the delivery of direct services and funding, training, and technical assistance, and through monitoring the implementation of statutes providing victims rights and other efforts identified below:

1. Develop a National Crime Victims Agenda -- an action plan for the future -- working with constituency groups;
2. Develop and disseminate promising practices for everyone who provides services for crime victims;
3. Expand the National Victim Assistance Academy and other training efforts to help professionalize the field and improve the quality of services;
4. Provide training for and collaborate with Indian nations and Federal agencies, including the FBI, the Department of Defense, U. S. Attorneys' Offices, and Victim-Witness Coordinators to enhance services for crime victims;
5. Advocate for increased rights for victims, including within juvenile justice systems;
6. Provide direct services, including referrals and information, to crime victims to respond to their needs;
7. Enhance services to tribal and local communities by providing crisis response teams, expert trainers, and mentoring programs;
8. Expand collaboration with other agencies and the private sector; and,
9. Improve the grant process, ensure constituency input, and increase training opportunities for VOCA state administrators and local programs.

Office of Justice Programs
Crime Victims Fund
Justification of Program and Performance
(Dollars in thousands)

Crime Victims Fund	Amount
1997 Estimated Obligations	\$528,942
1998 Estimated Obligations	176,553
Decrease	352,389

BASE PROGRAM DESCRIPTION: The Crime Victims Fund is financed by collections of fines, penalty assessments, and bond forfeitures from defendants convicted of Federal crimes. The Fund was established by the Victims of Crime Act of 1984 (P.L. 98-473), as amended by the Children's Justice and Assistance Act of 1986 (P.L. 99-401), and reauthorized by the Anti-Drug Abuse Act of 1988 (P.L. 100-690). Funds are not available for obligation during the year of collection; rather, funds accumulate so that the total amount is available for obligation in the next year and for expenditure during the next three years.

In 1995, under existing law, the Director reserved \$20 million. Title X of the Victims of Terrorism Act of 1996, P.L. 104-134, further amended the Victims of Crime Act, permitting the Director of the Office for Victims of Crime (OVC) to reserve up to \$50 million of funds collected when those collections exceed 110 percent of the amount collected in the previous year. In 1997 the Director will increase the \$20 million reserve to \$50 million. The amount reserved maybe used for compensation and assistance supplements in any subsequent year when Fund deposits fall below the amount deposited in the previous year or when compensation and assistance requests result from incidents of terrorism.

Funds are targeted at five purpose and program areas:

- (1) Administrative Office of the U.S. Courts. The first \$3 million is currently available to the judicial branch for administrative costs to improve criminal debt collections. For 1998, language has been proposed to amend the Victims of Crime Act. This amendment will discontinue the targeting of these funds to the Administrative Office of the U.S. Courts for their National Fine Center, which has recently been closed;

- (2) Grants for Child Abuse Efforts. Up to \$10 million shall be made available for grants to States to assist in developing, establishing, and operating programs designed to improve the handling of child abuse cases and the investigation and prosecution of cases of child abuse, particularly child sexual abuse. The 1988 amendments require that 15 percent of this amount shall be retained by OVC to conduct projects with similar purposes aimed at Native American Indian Tribes;
- (3) Crime Victim Compensation. Legislation sets aside 48.5 percent of the remaining deposits to be distributed to the States on the basis of 40 percent of each State's eligible victim compensation payouts during a preceding fiscal year (if available funds are sufficient);
- (4) Crime Victim Assistance. Another 48.5 percent of deposits are set aside for victim assistance grants, which are awarded to States for the purpose of providing services, other non-financial assistance, and limited emergency financial assistance to victims of crime. Priority must be given to eligible crime victim assistance programs that provide assistance to victims of sexual assault, spousal abuse, child abuse, and previously underserved victims of violent crime. Recipient organizations eligible for victim assistance funding include nonprofit organizations and agencies of State or local governments (or combinations of such entities) that provide services to victims of crime, including crisis intervention services, emergency aid, and assistance to victims participating in criminal justice proceedings; and
- (5) Training and Technical Assistance, Demonstration, and Federal Victims Assistance. Legislation sets aside the remaining 3 percent of deposits for this purpose. At least one-half of the funds available for this purpose shall be for the financial support of services to victims of Federal crime.
- Management and Administration expenses for the Office for Victims of Crime (OVC) are included in the "Justice Assistance" appropriation.

Current activities of OVC follow:

VICTIM COMPENSATION AND ASSISTANCE FORMULA GRANT PROGRAMS

In 1997, OVC will award funds to 49 States, as well as the District of Columbia and the Virgin Islands, for Victim Compensation programs and 57 States and territories for Victim Assistance programs. During 1998, OVC expects again to award funds to 49

States, as well as the District of Columbia and the Virgin Islands, for Victim Compensation programs and 57 States and territories for Victim Assistance programs.

FEDERAL TRAINING AND TECHNICAL ASSISTANCE AND DIRECT SERVICES

Federal Prosecutors and Victim-Witness Personnel. In 1996, OVC provided various training programs for Federal prosecutors and victim-witness coordinators. In March 1996, OVC co-sponsored the National Symposium on Child Sexual Abuse in Huntsville, Alabama, and sent teams of Federal criminal justice personnel to attend the training. OVC supported Federal district-specific training conferences and seminars involving Federal victims rights issues and compliance with the 1995 Attorney General Guidelines for Victim and Witness Assistance. Through an interagency agreement with the Executive Office for U.S. Attorneys (EOUSA), OVC funded a "victim rights and legal issues" instructor position at the Office of Legal Education (OLE) to draft litigation series chapters and course material and present classroom instruction to Federal prosecutors, including U.S. Attorneys, and paralegals on Federal victims' rights legislation, case law and policy, and prosecutors' duties and responsibilities to Federal crime victims. OVC also provided travel-related expenses for Victim-Witness Coordinators and/or Federal prosecutors to attend conferences such as the annual National Organization for Victim Assistance (NOVA) convention, Huntsville symposium, and Indian Nations conference.

OVC's commitment to training and technical assistance and associated funding levels will increase in 1997 due to the unusually high collections received in 1996.

National Victim Assistance Academy. In 1997, OVC will continue to fund a National Victim Assistance Academy for the purpose of providing basic and advanced victim assistance training. The Academy offers specialized training topics related to meeting the needs of crime victims for victim service providers and criminal justice personnel at the local, tribal, State, and Federal levels.

Promising Strategies and Practices to Improve Services for White-Collar Crime Victims. In 1997, OVC will continue this two-year project that provides a two-person staff to develop three written products and a 20 minute videotape for inclusion in a victim assistance resource package. The packages will be distributed to federal criminal justice personnel as a comprehensive tool to assist federal victims of white-collar crime and fraud.

Direct Services. In 1997, OVC plans to allot \$75,000 to the Executive Office for U.S. Attorneys (EOUSA) and \$100,000 to the FBI (new initiative) to provide emergency services to Federal victims when no other services exist. In addition, to assist the victims of the Oklahoma city bombing to attend judicial proceedings in Denver, OVC awarded from the Reserve Fund \$75,080 in 1996 and has allocated \$100,000 in 1997.

An interagency agreement with the U.S. Parole Commission provided funding for a Victim-Witness Coordinator position to provide services at parole revocation hearings and to coordinate notification programs with the Federal Bureau of Prisons. OVC will continue this program in 1997.

Assistance to Victims of Federal Crime in Indian Country. In 1996, under a direct services grant program entitled "Victim Assistance to Victims of Crime in Indian Country," OVC made grants to continue the support of programs to provide direct services on Indian reservations. Under this program, grants are awarded to states who make subgrants to tribes to provide victim assistance services on Indian reservations. OVC awarded grants to 18 States, and the States subgranted these Federal funds to 52 Indian tribes or tribal organizations that have initiated, expanded, or improved "on-reservation" services for violent crime victims. In addition, OVC made direct grants to two tribes (Laguna Pueblo and Northern Cheyenne) to support the Attorney General's tribal justice initiative. In 1997, OVC will also fund grants to: (1) support a national conference on victim assistance in Indian Country; (2) develop and provide training on the cross-cultural needs of Native American crime victims; (3) provide technical assistance to Indian victim assistance programs; and (4) respond to requests for training or technical assistance from communities dealing with major crises involving multiple victims.

OVC will continue funding this priority program for all participating States in 1997. In addition, OVC will continue other discretionary grant programs that support the development of programs to assist Federal victims of crime in Indian country.

Federal Criminal Justice Agencies. In 1997, through interagency agreements, OVC will fund the Federal Law Enforcement Training Center (FLETC) to train Federal law enforcement officers in the delivery of services to victims of crime. FLETC trains officers from over 70 agencies in basic and advanced classes. OVC will also provide funding to the FBI to train Victim-Witness Coordinators, fund a full time trainer and a full time victim witness administrator at the FBI headquarters. In addition, OVC will make funds available to respond to specialized requests from other Federal agencies. These programs will be continued in 1998.

OVC will continue several projects: (1) Bias Crime Train-the-Trainer provided regional train-the-trainer conferences for law enforcement and victim assistance professionals using a format developed under a previous OVC grant; and (2) Child Sexual Exploitation: Improving Investigations and Protecting Victims continued a joint OVC/Office of Juvenile Justice and Delinquency Prevention project to link criminal justice personnel across jurisdictional boundaries and to sources of victim assistance when sexually exploited children or youth are identified.

CHILDREN'S JUSTICE AND ASSISTANCE ACT PROGRAM

Grants to Tribes. In 1989, OVC funded its first Children's Justice Act (CJA) grants for Native Americans. The purpose of the CJA grant program is to assist Federally recognized Indian tribes to improve the investigation, prosecution, and handling of child abuse cases in a way that lessens trauma to the child victims. These grants are resulting in a range of systemic improvements that include: training for multi-disciplinary teams; revision of tribal codes to address child abuse; child advocacy services for children involved in the court process; protocols for reporting, investigating, prosecuting, and treating child sexual abuse cases; and improved case management and treatment services. Since 1990, two training and technical assistance grants have been awarded to Native American nonprofit organizations to provide regional training and on-site consultation to Indian tribes that received subgrants or grants to develop crime victim assistance services or improve their responses to serious cases of child abuse, especially child sexual abuse. In 1997, OVC will award 17 continuation grants to continue developing programs that can be replicated in Indian Country.

Training and Technical Assistance for Native American Children's Justice Act Grantees. In 1997, OVC will continue supporting this program to provide comprehensive, skills-building training and technical assistance to Indian tribes and organizations that were awarded grants as part of the Children's Justice Act Discretionary Grant Program for Native Americans (CJA). This grant also supported the development and production of a ten-minute video for tribal leaders that explains the importance of a coordinated effort among tribal agencies in implementing the CJA program.

Court Appointed Special Advocates (CASA) in Indian Country. OVC will support the development of CASA programs in Indian Country so that tribal courts funded through this program will be able to assign advocates to represent the best interests of children. This program is especially important in Indian Country since a tribal court may serve as a Native American child's only recourse to protection and justice. OVC will provide funds to and co-sponsor with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) an award to the National CASA Association to continue two programs and establish two new programs at

tribes designated in the Attorney General's Indian Country justice initiative. In 1997, OVC will continue these four programs and will provide funding to establish two additional programs.

Tribal Judges Project. In 1997, OVC will continue funding an interagency agreement established in 1996 with the Federal Judicial Center and DOJ's Office of Policy Development to educate tribal and federal judges on the handling of child sexual abuse cases in Indian Country. In 1996, two regional training sessions provided legal education on federal procedural law involving the Federal Rules of Evidence, the Federal Rules of Criminal Procedures, and the Major Crimes Act, issues of prosecutorial discretion, and relevant tribal law regarding child sexual abuse. Funding also provided development of a program manual for use by tribal and federal judges to identify a range of training and technical assistance strategies that will assist tribes to improve the handling of child abuse and family violence. In 1997, \$50,000 will be used to support training and technical assistance for Federally-recognized tribes participating in DOJ projects or grant programs directed to improving tribal systems of justice and the handling of child and spouse abuse cases.

NATIONAL SCOPE TRAINING AND TECHNICAL ASSISTANCE AND INFORMATION DISSEMINATION

In 1996, ten projects have been funded to catalog and promote the use of promising practices in serving crime victims. These include projects that focus on all components of the criminal justice system, from first responder law enforcement strategies to post-conviction probation and parole supervision, as well as professional education programs training those who will work with crime victims. OVC funds discretionary programs to provide training and technical assistance to service providers who interact with crime victims. These professionals include law enforcement, prosecutors, judges, probation and parole officers, and corrections officials who work within state and Federal criminal justice systems. They also include mental health professionals, doctors and nurses, the clergy, and others who regularly work with crime victims.

OVC supports flexible training and technical assistance resources that offer customized services to agencies on request through its Trainers Bureau, as well as regional and national training events on special topics of interest to those who provide services to crime victims through the State Conference Training Initiative grant program.

In 1997, through the Action Partnerships with Professional Organizations program, OVC will join with the national professional and membership organizations to support projects that provide information and training to their membership for the purpose of

improving the response to crime victims. It is anticipated that OVC will support projects submitted by professional organizations that: 1) offer tracks of training at national conferences; and 2) describe other ways of providing information to organization members, such as through videotapes, newsletters, periodicals, special monographs or descriptions of model practices, "codes of ethics," or membership mailings. We anticipate reaching health care providers, mental health, law, criminal justice, clergy, educators, and other allied professionals who work with crime victims in their daily practice.

OVC will address the needs of specific victim population through a series of projects in the areas of sexual assault, gang violence, hate/bias crimes, stalking, cultural considerations, and diversity. In 1997 and 1998, OVC plans to fund six or seven projects through the Field Initiated National Impact Project that address critical training needs expressed by practitioners in the field. Projects to be funded in 1997 will include a hospital-based emergency shelter for victims of spouse abuse that will serve as a laboratory and training site, a curriculum for professionals regarding best responses to homicide survivors, promising practices and protocols for assisting domestic violence victims in the workplace, training for judges regarding victims of juvenile sexual assault, a compendium of best criminal justice practices for adolescent victims of juvenile crime and a handbook for prosecutors on implementing victims rights and services.

In 1997, OVC will complete and disseminate a document updating the 1982 Final Report issued by the President's Task Force on Victims of Crime to serve as a guide for long-term action to improve victims' rights and services. OVC continues to collaborate with other agencies on topics of common concern. For example, in 1996 and 1997, OVC and OJJDP will have jointly sponsored three youth-related grants, which focus on children and adolescents as victims and potential victims, promoting the rights of and services for victims of juvenile offenders, and educating offenders on the impact of crime and victims. Another area of programmatic emphasis has been on crimes against the elderly, where OVC has collaborated with HHS's Administration on Aging, law enforcement associations, and senior citizen organizations. The result of this grant has been the establishment of 350 TRIAD programs in 46 different states which bring together law enforcement, adult protective and social services agencies to increase services available to elderly crime victims. Workplace violence has been still another substantive focus of cooperative projects, and in both, 1996 and 1997, OVC has worked with the Bureau of Justice Assistance to assist communities and institutions in developing crisis response teams through the Immediate Response to Emerging Issues program, and with a number of other agencies, including HHS, the Department of Labor, and the U.S. Postal Service to host a symposium on general workplace violence issues.

In 1998 OVC will continue "Victim Services 2000," a program that will support a community in establishing a comprehensive and victim-centered program that employs "promising practices." The first phase entailed planning, the second phase will be the construction of a program where promising practices, policies, and procedures provide support for crime victims. Each funded site will eventually become a training site for other communities wishing to create a comprehensive program that coordinates services across jurisdictions and interests in given communities. In 1996, OVC selected Denver, Colorado as the first Victim Services 2000 site. In 1997, OVC will fund two additional sites, of which one will be in a rural community.

In 1997 and 1998, funding will be allocated for the on-going operation of the clearinghouse function through the OVC Resource Center to support the coordination and dissemination of information, particularly products developed with discretionary funding.

PROGRAM CHANGES:

Crime Victims Fund

Amount
-\$352,389

The Victims of Crime Act program is funded by collections of fines, penalty assessments, and bond forfeitures from defendants convicted of Federal crimes. Collections available to the Crime Victims Fund are \$227,707,256 in 1995 for obligation in 1996. These collections, plus \$23,906,612 carried over and available from 1995 provided a total of \$251,613,868 for the 1996 program. Although collections in 1995 were unusually high, collections in 1996 for obligation in 1997 more than doubled the amount collected in 1995. 1996 collections of \$528,941,562 are unique in that one Federal criminal fine of \$340,129,205 was collected in 1996 from a bank found guilty in a bond trading case. We hope, in particular, to target help with these additional funds in 1997 to the victims of youth and gang violence across the country. In lieu of anticipating such a level of collections again in 1997 for use in 1998, an estimate of \$176,553,000 is anticipated -- this is more in line with previous years' collections.

PERFORMANCE MEASUREMENT TABLE PRESENTED BY DECISION UNIT

DECISION UNIT: Crime Victims Fund					
MISSION: To improve the criminal justice system response to victims of crime, including Native American crime victims, through the delivery of direct services and funding, training, and technical assistance, and through monitoring the implementation of statutes providing victims rights and other efforts					
PERFORMANCE INDICATOR INFORMATION					
Type of Indicator	1995 Actual	1996 Target	1996 Actual	1997 Target	1998 Target
Performance Indicators					
Input					
1. Available Collections (Dollars in Thousands)	\$178,891	\$251,614	\$227,207	\$238,942	\$176,513
2. # of requests for assistance for victims of crime in Indian Country	63	50	18	50	40
3. # of VOCA formula grant applications received by the deadline	107	108	108	108	108
4. # of state requests for training and technical assistance support	20	30	34	45	50
5. # of promising practices, guides, bulletins, and descriptions of model programs published	1	20	***3	20	20
Output/Activity					
6. # of requests for and subsequent dissemination of published materials related to promising practices	0	1,000	2,000	2,000	2,000
7. # of on-site monitoring visits to states and tribes (includes on-site monitoring visits to tribes re implementation of Children's Justice Act)	0 (rate)	20 (rate)	10	35 (rate)	35 (rate)
8. # of state VOCA reimplementation, staff, and subgrantees afforded opportunity to participate in state, regional or national training conferences related to crime victim services	5 (rate)	17 (rate)	15	18 (rate)	18 (rate)
9. # of working groups convened to address VOCA program implementation and delivery of services	2,117	1,500	2,022	1,500	1,500
10. # of personnel trained in cross cultural skills	3	8	***2	8	5
Intermediate Outcome					
11. # of untrained federal criminal justice personnel trained in victim issues	0	150	160	150	150
12. # of tribal personnel trained in improved investigative, prosecutorial and child advocacy issues	1,150	1,500	1,500	1,800	1,800
13. # of publications disseminated through OVC Resource Center	150	150	160	150	150
14. Percent of customers that report services provided by OVC Resource Center as good to excellent	26,637	67,240	57,304	102,174	156,170
15. Percent of tribes receiving training through victim assistance academy that rate training as good or excellent	N/A	N/A	95%	95%	95%
16. # of individuals trained through the national victim academy	N/A	50%	84%	81%	81%
17. # of individuals receiving technical assistance/training on accessing information resources through OVC Resource Ctr	33	120	141	160	160
18. # of technical assistance/training sessions provided by OVC Resource Center staff	150	340	300	1,000	1,500
19. % of individuals receiving technical assistance/training on accessing information resources through OVC Resource Center that express overall satisfaction with this service	3	6	61	150	200
20. % of customers that express overall satisfaction with training bureau	N/A	45%	75%	80%	85%
21. # of discretionary grant applications distributed	N/A	70%	75%	80%	85%
22. # of state VOCA formula grantees participating in OVC SCAD mentor program that express overall satisfaction with assistance provided	1,000	2,300	3,000	3,000	3,000
	N/A	6	8	20	40

<p>B. Factors Affecting FY 96 Program Performance. Describe reasons for any significant differences between target levels of performance and estimates of actual performance, whether positive or negative.</p> <ul style="list-style-type: none"> - Unavailability of local funding to replicate promising practices and administrative funds to support publications review panels - Expanded training and technical assistance resources will be available for state Victims of Crime Act (VOCA) administrations in 1996, including national and regional training conferences - Funding available through VOCA and the allocation of funds to support local training and technical assistance efforts - Funding placed by agency officials in training and technical assistance efforts - CIA applications were processed within 45 days. However, the grant award process which occurred in 1996 was delayed by the furlough. <p>**Through training, technical assistance, and monitoring endeavors, OVC strives to expand the capacity of states and communities to collect data, identify gaps in services, and assess victim needs. However, OVC does not have statutory authority to mandate these reforms at the state level</p> <p>****Target was not met due to lack of adequate resources.</p> <p>*****Temporary govt. shutdown and limited resources caused slippage in target.</p> <p>*****This figure may fluctuate since OVC has little control over the indicator.</p>	<p>C. Factors Affecting Selection of FY 97 and 98 Targets. Provide information on the selection of target levels of performance, where necessary.</p> <ul style="list-style-type: none"> - Collections available in Crime Victims Fund determine continuity of goals and objectives. - Funding levels provided to tribes by other agencies - - Emphasis placed by tribal leaders on victim issues where federal funding is reduced. - Revision of on-site monitoring protocols should enable OVC to identify training and technical assistance priorities of state administrations. - OVC will increase the number of working groups convened resulting in the development of improved data collection instruments. - Availability of discretionary funding to support of regional and state conferences, training and technical assistance initiatives, based on total collections. - Funding available through VOCA. - Allocation of funds to support training initiatives. - Emphasis placed by agencies on supporting training and technical assistance for victim services. <p>*It is impossible to estimate the number of requests received given the nature of the program, i.e., responding to acts of violence (multiple victims, acts of terrorism).</p> <p>**Through training, technical assistance, and monitoring endeavors, OVC strives to expand the capacity of states and communities to collect data, identify gaps in services, and assess victim needs. However, OVC does not have statutory authority to mandate these reforms at the state level.</p>
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D. Narrative Performance Information
<p>In 1996, OVC funded over 35 training and technical assistance programs to promote the replication of promising programs so that victims and service providers benefit, providing specialized training on a range of issues such as addressing bias crime, white collar crime, assisting victims of gang violence, or improving the juvenile court response to victims.</p> <p>Many of the programs have impacted communities and changed whole systems. For example, a Joint OVC and BJA program devoted to improving the response to elderly crime victims has resulted in the formation of 350 TRILAD programs nationwide. This is a dramatic increase from 155 programs which was the number noted at the beginning of 1994 when the training program was initiated.</p> <p>There have been vast improvements in the field of corrections. OVC has funded 4 projects that provided training to prison and jail personnel to improve and expand the services offered to victims of inmate violence. These projects have resulted in 15 states. A halfway service allowed inmates that participated in the training program uniformly had implemented victim support plans, notification procedures to keep victims informed of case events such as entry release or parole; procedures to track and collect restitution payments; and policies and services that address staff victimization for those who work in a corrections environment.</p> <p>A recent training-for-trainers seminar on the topic of "Victim Impact Classes/Funds for Offenders" for a diverse group of 40 administrators, directors, and line staff from both adult and juvenile corrections facilities yielded overwhelmingly positive evaluations. Statements such as, "This training should be mandated for all states for their inmate populations," "This was the most powerful, motivating training I have had in my 14 year career," "You might want to start an association of people who have had this training to continue the important work," demonstrate the positive impact of OVC efforts.</p> <p>The materials developed have been in great demand. This year, over 2,000 copies of the Hate/Bias Crime Training Curriculum have been distributed in response to specific requests and OVC has sponsored 7 workshops by demand. Over 2,500 copies of Assisting Elderly Crime Victims have been distributed and OVC has sponsored 11 workshops on elder abuse.</p> <p>OVC's Training Bureau has fulfilled 136 individual requests for assistance in 31 states. Each unit of training or consultation has resulted in an evaluation of excellent to outstanding. One training session was held for all judges within the third judicial district of the state of North Carolina so that they would be able to identify the rights of victims and the rights of offenders. The session resulted in some victim impact information, assistance in following up on restitution payments, and support for witnesses such as children who need criminal justice protection to be able to testify at their development levels.</p> <p>OVC's commitment to training and technical assistance and associated funding levels will increase in 1997 due to the unusually high collections received in 1996. The following provides a snapshot of some of the activities OVC will undertake in FY 1997.</p> <p>OVC plans to allocate funds for the Executive Office for U.S. Attorneys and to the FBI to provide emergency services to Federal victims when no other services exist. In addition, OVC has allocated funds to assist the victims of the Oklahoma city bombing attend judicial proceedings in Denver, Colorado. Through Interagency Agreements, OVC will provide funds to the Federal Law Enforcement Training Center to train federal law enforcement officers in the delivery of services to victims of crime. OVC will also provide funding to the FBI to train FBI Victim-Witness Coordinators, fund a full-time trainer, and a full-time victim witness administrator at the FBI headquarters. OVC will make funds available to respond to specialized requests from other federal agencies.</p> <p>OVC will address the needs of specific victim populations through a series of projects in the areas of sexual assault, gang violence, hate-bias crimes, stalking, cultural considerations, and diversity. In addition, OVC will fund several projects through the Field Labeled National Impact Project that address critical training needs expressed by practitioners in the field. FY 1997 projects will include a hospital-based emergency shelter for victims of spouse abuse that will serve as a laboratory and training site; a curriculum for professionals regarding best responses to battering; a curriculum for judges regarding best responses to juvenile sexual assault; a curriculum for judges regarding best responses to adolescent victims of juvenile crime; and a handbook for prosecutors on implementing victim rights and services.</p> <p>OVC also intends to target a portion of this additional funding on victims of youth and gang violence throughout the country; provide longer term funding for demonstration and program evaluation efforts; and provide funding for Victim Services 2000 laboratories to support communities in establishing a comprehensive and victim-centered program that employs "promising practices."</p>

Office of Justice Programs
Crime Victims Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1996 Actual FTE Amount	1997 Anticipated FTE Amount	1998 Request FTE Amount	Increase/Decrease FTE Amount
11.1 Full-Time Permanent				
11.3 Other Than Full-Time				
11.5 Other Personnel Compensation				
11.6 Special Personnel Services Payroll				
Total	0.0	0.0	0.0	0.0
Other Objects				
12 Personnel Benefits				
21 Benefits for Former Personnel				
22 Travel and Transportation of Persons	176	180	180	0
23 Transportation of Things				
23.1 GSA Rent				
23.2 Rental Payments to Others				
23.3 Communications, Utilities, and Mail				
24 Printing and Reproduction	36	40	40	0
25.2 Other Services	947	900	900	0
25.3 Purchases of Goods and Services				
from Government Accounts				
31 Supplies and Materials	1,057	1,300	450	(650)
Equipment	2	2	2	0
41 Grants, Subsidies and Contributions	225,194	548,005	196,861	(351,024)
Total Obligations	237,314	860,427	196,559	(663,874)
Recovery of prior year obligations	(185)			185
Unobligated balance, start of year	(26,123)	(24,485)	(22,000)	2,485
Unobligated balance, transferred from other accounts		(19,000)		19,000
Unobligated balance, end of year	24,485	22,000		(2,485)
Unobligated balance, beginning	2,216			2,216
Total Requirements	277,797	838,842	178,559	(660,285)
Reduction of Obligations in Obligations				
from Government Accounts				
Unobligated balance, start of year	227,314	550,427	196,861	(353,113)
Unobligated balance, end of year	148,666	224,583	420,510	(271,844)
Adjustments in expend accounts	(224,583)	(420,510)	(315,527)	104,963
Outlays	148,337	384,800	283,538	(101,262)

Violent Crime Reduction Trust Fund (Includes Terrorism Bill 1996)
Authorizations vs. Appropriations
(Dollars in Thousands)

	DOJ Agency	FY 1996 Auth. (15-20)	FY 1996 Approp. (15-20)	FY 1996 Approp. (21-25)	FY 1996 Approp. (26-30)	FY 1996 Approp. (31-35)	FY 1996 Approp. (36-40)	FY 1996 Approp. (41-45)	FY 1996 Approp. (46-50)
PREVENTION									
Violence Against Women									
Department of Justice									
Grants To Combat Violence Against Women	OJP	800,000	301,000	499,000	160,000	160,000	0	0	238,000
Grants To Encourage Arrest Policies	OJP	120,000	61,000	59,000	66,000	58,000	0	0	0
Rural Domestic Violence Enforcement	OJP	30,000	15,000	15,000	15,000	15,000	0	0	0
Violence Against Women Act	OJP	38,000	12,000	26,000	7,000	7,000	0	0	18,800
Court Appointed Special Advocate Program	OJP	10,000	1,000	1,000	1,000	1,000	0	0	1,000
Training For Juvenile Probation & Parole Officers	OJP	4,250	400	3,850	1,000	1,000	0	0	4,250
Grants For Federal Terrorism Prevention	OJP	6,000	3,250	2,750	2,750	2,750	0	0	2,800
National Status & Domestic Violence Reduction	USA	1,500	1,500	0	0	0	0	0	0
Violence Counselors	OJP	2,000	2,000	0	0	0	0	0	-1,912
Training Programs	OJP	2,000	2,000	0	0	0	0	0	-2,000
State Data Base Study	OJP	200	200	0	0	0	0	0	0
National Study-Campus Assault	OJP	200	200	0	0	0	0	0	0
Subtotal DOJ		1,010,200	388,500	811,700	247,250	248,750	0	0	281,550
Department of Health & Human Services									
Number & Cost of Injury Study		100	100	0	0	0	0	0	0
Rape Prevention Grants		200,000	82,542	141,458	45,000	45,000	0	0	16,446
Grants To Prevent Child Sexual Abuse		100,000	100,000	0	0	0	0	0	100,000
Grants To Prevent Child Sexual Abuse		325,000	25,000	200,000	70,000	70,000	0	0	228,200
Grants To Reduce Sexual Abuse of Runaways		30,000	15,000	16,442	15,000	15,000	0	0	1,442
Youth Education and Domestic Violence		400	400	0	0	0	0	0	0
National Domestic Violence Hotline		3,000	2,000	400	400	1,200	0	0	400
Subtotal HHS		972,500	115,000	458,800	130,400	131,200	0	0	227,586
Department of Interior									
Capital Improvements - National Parks		10,000	10,000	10,000	0	0	0	0	10,000
Capital Improvements - Public Parks		15,000	15,000	15,000	0	0	0	0	15,000
Capital Improvements - Subtotal DOI		25,000	25,000	25,000	0	0	0	0	25,000
Judiciary									
Education & Training for Federal Judges		700	700	700	0	0	0	0	700
Department of Transportation									
Capital Improvements - Public Transportation		10,000	10,000	10,000	0	0	0	0	10,000
State Justice Institute		600	600	600	0	0	0	0	600
Equal Justice For Women in Court		0	0	0	0	0	0	0	0
Total, Violence Against Women		1,638,900	613,000	1,468,300	377,650	380,950	0	0	778,236

Violent Crime Reduction Trust Fund (Includes Terrorism Bill 1996)
Authorizations vs. Appropriations
(Dollars in Thousands)

	DOJ Agency	Total Auth (95-20)	Total Approp (95-97)	Remaining Auth (95-20)	1998 Auth 1/1	1998 President's Request	1998 FTE	Remaining Auth (95-20)
Other								
Department of Justice								
Local Crime Prevention Block Grant	OJP	217,000	0	217,000	75,940	0	0	217,000
Local Crime Prevention Grant	OJP	825,500	0	825,500	125,100	0	0	825,500
Local Crime Prevention Grant	OJP	210,000	0	210,000	81,000	0	0	210,000
Res. Substance Abuse Treatment For State Prisoners	OJP	1,000,000	57,000	943,000	200,000	83,000	0	150,000
Drug Courts	OJP	36,000	41,900	0	7,200	75,000	0	883,100
Assist for Delinquent & At Risk Youth	OJP	19,800	0	19,800	3,800	8,000	0	28,000
Family Unity Demo Projects	OJP	2,700	1,800	900	900	0	0	19,800
Missing Children/Adults Grants	OJP	2,310,000	100,700	2,209,300	475,740	148,800	369	0
Subtotal: OJP Other		112,500	38,224	74,276	25,200	28,135	276	48,141
Federal Prison Drug Treatment	BOB	2,443,500	138,924	2,304,576	500,940	173,035	645	2,211,541
Subtotal: DOJ Other		90,000	1,520	88,500	18,000	9,000	0	78,500
Council of Prevention								
Council of Prevention Council		243,000	0	243,000	48,900	0	0	243,000
Department of Education								
Family & Community Enrichment Schools Program		567,000	10,000	557,000	177,100	12,800	0	544,200
Department of Health & Human Services		270,000	0	270,000	78,500	0	0	270,000
Comm. Schools Youth Services & Supervision Grants		837,000	10,000	827,000	183,800	12,800	0	814,200
Community Economic Partnership Fund								
Subtotal: HHS		1,620,000	0	1,620,000	355,500	0	0	1,620,000
Department of Housing and Urban Development								
Local Partnership Act		4,500	0	4,500	450	0	0	4,500
Department of Interior								
Urban Recreation & At Risk Youth Grants		45,000	24,200	20,800	7,200	0	0	20,800
Department of Treasury								
Gang Resistance Education & Training Projects		8,363,000	174,824	8,188,176	1,131,840	194,838	846	4,993,641
Total Other		8,903,000	648,124	8,254,876	1,489,240	878,787	948	6,719,978
TOTAL PREVENTION								

Violent Crime Reduction Trust Fund (Includes Terrorism Bill 1996)
Authorizations vs. Appropriations
(Dollars in Thousands)

	DOJ Agency	Total Auth (PS-20)	Total Approp (PS-37)	Remaining Auth (PS-20)	1996 Auth 1/	1996 President's Request	1996 FTE	Remaining Auth (PS-20)
STATE AND LOCAL LAW ENFORCEMENT								
Department of Justice								
Community Policing	COPS	8,800,000	4,000,000	4,800,000	1,700,000	1,400,000	278	3,100,000
Police Corps	COPS	100,000	30,000	70,000	20,000	20,000	0	50,000
Police Scholarship Program	COPS	100,000	0	100,000	20,000	20,000	0	80,000
Police Recruitment	COPS	24,000	0	24,000	8,000	8,000	0	16,000
Rural Drug Enforcement Assistance	OJP	240,000	0	240,000	0	0	0	240,000
Local Law Enforcement Block Grant	OJP	na	1,028,000	-1,028,000	na	0	0	-1,028,000
Brady Handgun Violence Prevention	OJP	156,000	175,000	204,000	75,000	940,000	0	-735,000
Byrnes Grant Program	OJP	1,000,000	796,000	204,000	25,000	0	0	-179,000
Violent Crime Reduction Trust Fund	OJP	100,000	0	100,000	25,000	0	0	75,000
State Courts Assistance (Violent Youth Court)	OJP	180,000	700,000	520,000	30,000	340,000	0	190,000
State Courts Assistance (Violent Youth Court)	OJP	150,000	0	150,000	30,000	50,000	0	100,000
Violent Offender Incarceration Grants	OJP	10,442,000	1,312,000	9,130,000	2,827,000	719,500	0	8,410,500
Community Based Grants for Prosecutors (Prosecutorial Grants)	OJP	50,000	0	50,000	10,000	100,000	10	-60,000
Law Enforcement Family Support	OJP	25,000	2,000	23,000	8,000	2,200	0	15,000
Crime Identification State Grants	OJP	40,000	4,000	36,000	8,000	15,000	0	28,000
Technical Assistance Grants	OJP	100,000	18,000	82,000	23,000	8,800	0	59,000
Improved Training & Technical Assistance	FBI	20,000	8,000	12,000	3,000	4,000	0	9,000
S&L Training at Quantico/Intelligence Gathering	FBI	10,000	0	10,000	0	0	0	10,000
Improved Technical Assistance at Quantico	FBI	5,000	0	5,000	0	0	0	5,000
Local Firefighter Training State Grants (TERRORISM BILL 1996)	OJP	23,311,500	9,221,700	14,089,800	4,879,000	3,312,500	256	11,777,800
Subtotal DOJ								
Department of Treasury								
Rural Drug Enforcement Training FLETC		5,000	0	5,000	1,000	0	0	4,000
TOTAL STATE AND LOCAL ASSISTANCE		23,316,500	9,221,700	14,094,800	4,880,000	3,314,500	256	11,782,800

Violent Crime Reduction Trust Fund (Includes Terrorism Bill 1996)
Authorizations vs. Appropriations
(Dollars in Thousands)

	DOJ Agency	Total Auth. (95-20)	Total Approp. (95-97)	Remaining Auth. (98-20)	1998 Auth. FY	1998 President's Request	1998 PTE	Remaining Auth. (98-20)
FEDERAL LAW ENFORCEMENT	Department of Justice							
	FBI General Crime Support	50,000	48,831	1,129	10,000	28,840	185	-27,811
	FBI General Crime Support (TERRORISM BILL - 1996)	245,000	252,287	-7,287	50,000	28,423	0	-45,720
	FBI General Crime Support	488,000	30,000	437,800	166,000	23,704	340	414,216
	DOJ General Crime Support	159,000	199,333	-333	40,000	123,478	0	-123,811
	INS	0	0	0	0	[28,600]	[81]	0
	USMS	0	0	0	0	[25,553]	[167]	0
	USA	150,000	0	0	0	[11,131]	[85]	0
	FBI	0	0	0	0	[37,664]	[15]	0
	DEA	0	0	0	0	[0]	[0]	0
	DOJ General Crime Support (TERRORISM BILL - 1996)	41,000	0	41,000	10,000	310,037	2,041	-310,037
	Additional DEA Agents	150,000	150,000	0	30,000	50,000	[6]	0
	DEA General Crime Support (TERRORISM BILL - 1996)	172,000	82,000	90,000	40,000	143,347	802	-74,806
	Allyum Reform	338,000	269,559	68,441	91,000	0	0	0
	INS	0	0	0	0	159,251	[578]	0
	EOB	0	0	0	0	[18,745]	[169]	0
	USA	0	0	0	0	[7,989]	[71]	0
	CIVIL DIVISION	0	0	0	0	381,743	1,047	-380,569
	Border Control System Modernization	875,000	729,828	145,172	58,000	250,326	800	-321,124
	Expanded Special Deportation (H&P)	160,000	230,794	-70,794	2,000	[250,326]	[800]	0
	INS	0	0	0	0	0	0	0
	EOB	0	0	0	0	0	0	0
	INS General Crime Support (TERRORISM BILL - 1996)	20,000	0	20,000	5,000	0	0	20,000
	Criminal Alien Tracking Center	18,400	0	18,400	3,700	5,000	40	13,400
	DNA Analysis	25,000	11,000	14,000	8,000	5,500	0	8,500
	Gang Investigation Info. Collection	1,000	1,000	0	0	1,000	0	0
	Motor Vehicle Theft Protection	5,000	1,250	3,750	1,800	1,000	0	2,750
	Immigration System Upgrade	1,000	0	1,000	0	500	0	500
	St. Citizens Against Marketing Scams	0	0	0	0	0	0	0
	FBI Agents	7,500	0	7,500	1,500	0	0	7,500
	U.S. Attorneys	2,500	0	2,500	500	0	0	2,500
	Public Awareness & Prevention Initiatives	10,000	2,000	8,000	2,000	2,000	0	6,000
	NIJ, Office of Science & Technology (TERRORISM BILL - 1996)	20,000	0	20,000	10,000	0	0	10,000
	Foreign Assistance in Counterterrorism Technology	10,000	0	10,000	0	0	0	10,000
	R&D in Counterterrorism	10,000	0	10,000	0	0	0	10,000
	Subtotal DOJ	2,818,400	2,008,014	810,386	529,500	1,443,986	5,555	-433,813

Violent Crime Reduction Trust Fund (Includes Terrorism Bill 1996)
Authorizations vs. Appropriations
(Dollars in Thousands)

DOJ Agency	Total Auth. (95-20)	Total Approp. (95-97)	Remaining Auth. (96-20)	1996 Auth. 1/	1996 President's Request	1996 FTE	Remaining Auth. (96-20)
FEDERAL LAW ENFORCEMENT CONTO							
Interior							
U.S. Park Police (TERRORISM BILL 1996)	2,000	0	2,000	500	0	0	2,000
Judiciary							
General Crime Support (Crime Bill 1994)	200,000	60,000	140,000	40,000	50,000	0	90,000
General Crime Support (TERRORISM BILL 1996)	41,000	0	41,000	10,000	0	0	41,000
Department of Treasury							
General Crime Support (Crime Bill 1994)	550,000	169,714	380,286	110,000	118,000	0	262,286
General Crime Support (TERRORISM BILL 1996)	40,000	18,300	21,700	10,000	0	0	21,700
U.S. Customs Service (TERRORISM BILL 1996)	31,000	0	31,000	6,000	0	0	31,000
U.S. Secret Service (TERRORISM BILL 1996)	50,000	0	50,000	11,000	0	0	50,000
TOTAL FEDERAL LAW ENFORCEMENT	3,532,000	2,356,028	1,175,972	278,000	1,618,000	6,300	335,628
TOTAL DEPARTMENT OF JUSTICE	25,382,790	10,787,136	14,595,654	6,166,696	6,178,000	6,300	13,617,662
TOTAL VOTF	32,782,000	13,143,164	19,638,836	7,000,346	8,000,000		17,166,148

1/ - Straightline authorization for the given fiscal year